

San Mateo
1973

REPORT AND RECOMMENDED REVISIONS OF CIVIL SERVICE COMMISSION RULES

JUL 31 1973

First Draft

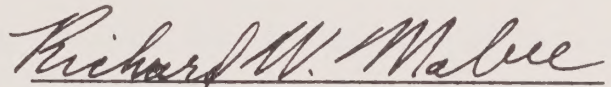
Submitted July 10, 1973 by the committee appointed by the County Manager to review and make recommendations regarding revisions to Civil Service Commission Rules.

Dear Mr. Chairman:

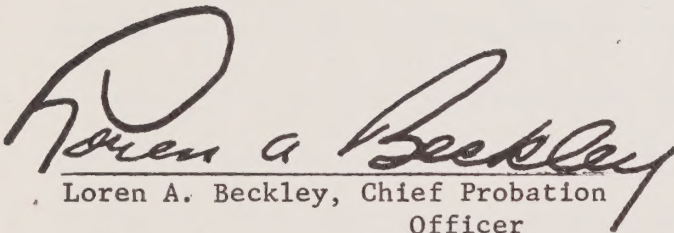
The Civil Service Commission Rules Committee appointed by the County Manager submits herewith its report and recommendations, including the text of the proposed revision of the Civil Service Commission Rules.

We should like to take this opportunity to thank the department heads, employee organizations, and many individuals who, in response to our request, have made valuable suggestions regarding revisions of these rules.

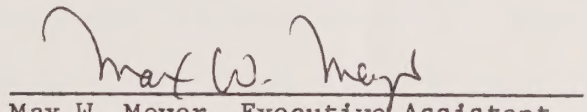
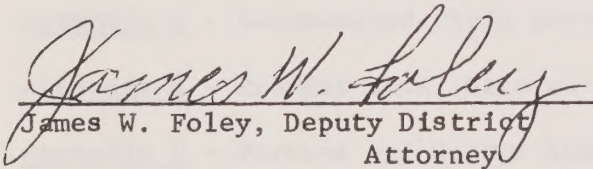
Yours very sincerely,



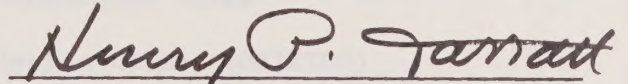
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I. INTRODUCTION AND BACKGROUND

A. County Charter

1. The San Mateo County Charter established and set forth the functions of the Civil Service Commission. This charter was approved by the State Legislature on January 28, 1933 and, since that date, has been amended by the electorate in 1942, 1946, 1948, 1956, 1961, 1965, 1966, 1970, June 1972 and November 1972. It was the clear intent of the Charter authors to establish a strong merit system, protected from political influence, which would insure the selection and retention of employees in the classified service upon a basis of merit and fitness. In order to accomplish this goal the Charter provided for the Board of Supervisors to appoint a Civil Service Commission. The Charter gave this Commission broad powers and required it to prescribe rules governing salary administration, leaves of absence, vacations, applications, examinations, job classification, appeals, and other related matters. Such rules are binding upon the Board of Supervisors, elective officials, boards and commissions, and all employees in the service of the County. The Charter requires the Commission to appoint a Personnel Director and Secretary to be responsible to the Commission for carrying out all procedures in the administration of the classified personnel system. One indication of the strong determination of the Charter authors to provide a sound and inviolate merit system for County employees was the detailed manner in which they spelled out the operation of the civil service system. Like all other efforts to prescribe minutely in a charter or state constitution the administrative operation of a complicated system serving changing needs, this effort was to cause later problems necessitating subsequent Charter amendments.

2. For most of the next 37 years between 1933 and 1970 the Civil Service provisions of the County Charter worked fairly well, if one considers them within the context of the commonly accepted standards of that period. A corps of qualified and satisfied County employees developed who, to a large degree enjoyed isolation from outside political influences in their selection, retention,

CHAPTER I

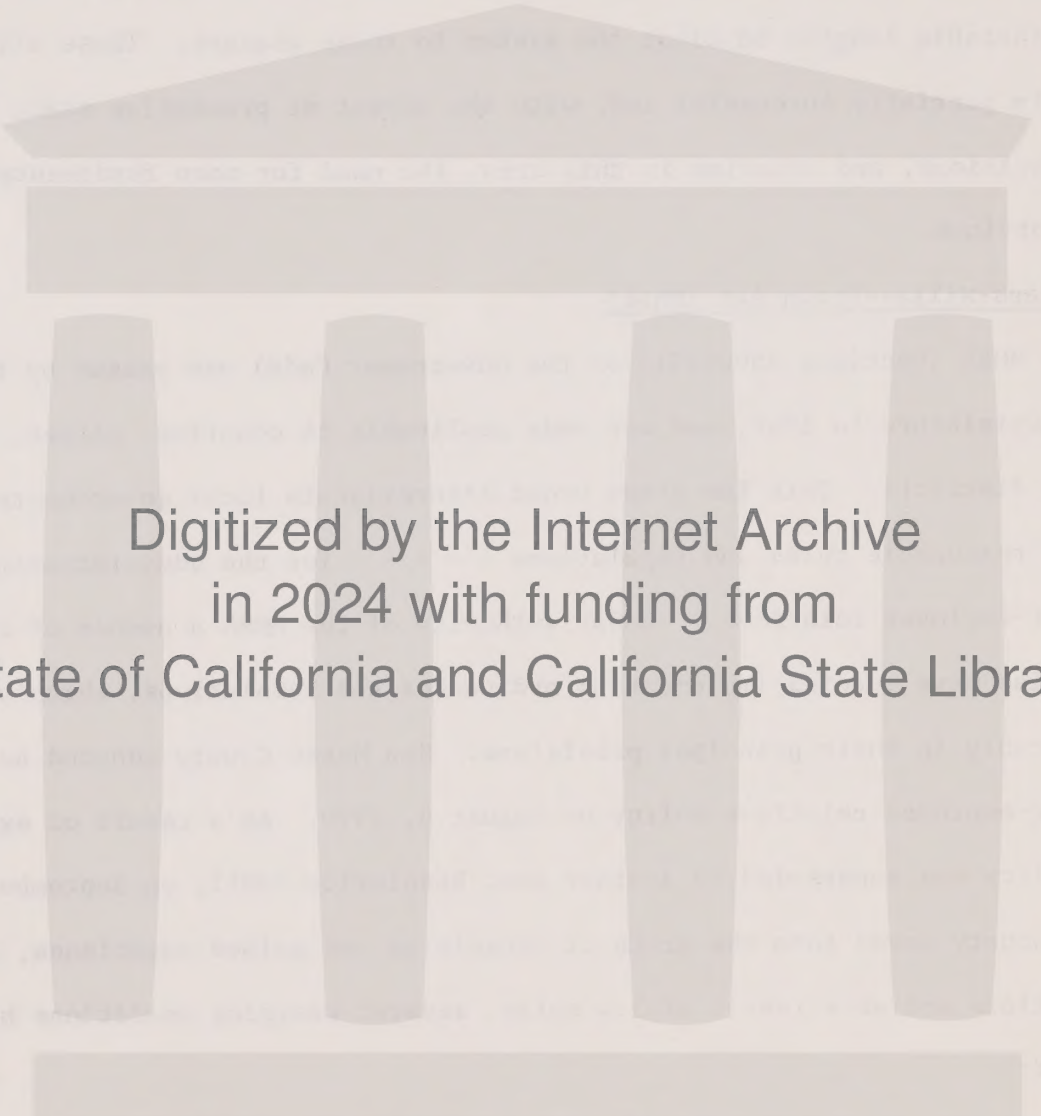
The first thing that strikes the eye in the history of the United States is the fact that the country was discovered by a European, Christopher Columbus, in 1492. This discovery was the first step towards the settlement of the country by Europeans. The first settlement was founded by Spanish explorers in 1565, and the first English settlement was founded in 1607. The country was then settled by other European nations, and by the end of the 18th century, the United States had become a powerful nation. The American Revolution was fought in 1776, and the United States became an independent nation. The country then grew in size and power, and by the mid-19th century, it had become a major power in the world. The Civil War was fought in 1861-1865, and the United States emerged as a more unified nation. The country then continued to grow and develop, and by the end of the 19th century, it had become a world power. The 20th century saw the United States become a superpower, and it played a major role in the world. The country has since then continued to grow and develop, and it remains a major power in the world.

and performance of duties. Towards the end of this period the civil service ship began to be rocked, sometimes violently, by the same waves and winds of change that were sweeping across the nation. Fortunately, the people navigating the ship, as well as other County officials, recognized what was happening and went to considerable lengths to adapt the system to these changes. These efforts were only partially successful and, with the advent of preemptive state legislation, court decisions, and unionism in this area, the need for more fundamental changes became obvious.

B. Meyers-Milias-Brown Act (MMBA)

The MMBA (Sections 3500-3510 of the Government Code) was passed by the State Legislature in 1968, and was made applicable to counties, cities, and special districts. This law gives broad discretion to local governments to adopt, "reasonable rules and regulations - - - - - for the administration of employer-employee relations." Under authority of the MMBA a number of counties and cities have enacted implementing ordinances and resolutions, which vary considerably in their principal provisions. San Mateo County adopted an employer-employee relations policy on August 6, 1970. As a result of experience this policy was superseded by another one, Resolution 30811, on September 19, 1972. As the County moved into the arena of bargaining and gained experience, both in negotiations and as a result of law suits, several emerging conditions became apparent:

1. The days of unilateral determination of salaries and working conditions for County employees by a board of supervisors or a semi-independent commission were ended.



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2. In order to bargain effectively in this adversary-type environment a county government must speak with one voice, have flexibility, and be able to arrive at decisions quickly.

3. The system of checks and balances, with authority over salaries, other employee benefits, and working conditions divided between the Board of Supervisors and the semi-independent Civil Service Commission was slow, unwieldy, and placed the County at a serious disadvantage in responding to the challenges of negotiations, as well as in conducting day-to-day business.

4. Although the role of civil service commissions and similar bodies in California is steadily diminishing, there is a need for at least a transition period, permitting both processes -- civil service and bargaining -- to operate. This is particularly true in a jurisdiction such as San Mateo County, where civil service traditions are deeply rooted. The Civil Service Commission can continue to fill an important role as an impartial appeals board and as a non-political body prescribing rules governing the job classification system, certain employment standards, recruitment, examinations, appointments, terminations, and related matters.

C. County Charter Changes

1. As the demands of current reality became generally recognized and accepted a movement gained strength to amend the County Charter. This culminated in a Charter amendment approved by the voters on June 6, 1972, which embodied the following principal changes:

(a) The Board of Supervisors was vested with sole responsibility for the determination of employee salaries and related economic benefits, including vacations, holidays, overtime compensation, attendance and hours of work, sick leaves, disability leaves, military leaves, and educational leaves.

(b) The Civil Service Commission retained authority to prescribe such rules as might be necessary to insure the selection and retention of employees

in the classified service on a basis of merit and fitness. Such rules include recruitment, applications, examinations, eligibility, certification, promotions, classification, and job specifications. In addition, such rules provide for the procedures to be followed in the classified service regarding appointments, demotions, transfers, dismissals, appeals, resignations, lay offs, and reemployments.

(c) The ballot argument in favor of this Charter amendment emphasized that it would clarify the role of the Commission, preserve its authority over the traditional merit system, and remove the Commission from any kind of adversary role in matters subject to negotiations, thus enhancing the position of the Commission as an impartial appeals body.

2. The above described Charter changes made approximately 16 out of 53 pages of the present Civil Service Commission Rules the responsibility of the Board of Supervisors. Specifically, the following rules were affected, but by action of the Board of Supervisors were continued in effect until replaced by County ordinance provisions:

- (a) Rule IV - Compensation Plan
- (b) Rule V - Overtime
- (c) Rule XII - Attendance and Hours of Work
- (d) Rule XIII - Sick Leave and Disability Leave
- (e) Rule XIV - Leaves of Absence
- (f) Rule XV - Vacations

The Board of Supervisors is expected to adopt ordinances covering the above named areas which were formerly regulated by the Civil Service Commission. The foregoing rules have been omitted from the revised Civil Service Commission Rules.

3. In addition, the Civil Service Commission staff, employee organizations, department heads, and other employees working with these rules have recognized for some time before the Charter amendments that the rules needed to be rewritten. This is necessary for several reasons. In the first place, the original rules were written in a manner which often has been difficult to interpret. Secondly, most

sections of the rules were written before recent legislation and court decisions affecting employer-employee relations, fair employment practices, and related subjects came into effect. This has caused problems in the operation of the County personnel administration system. Some of these problems can be ameliorated by Civil Service Commission Rule changes while other problems require either administrative solutions by County management or changes in the Ordinance Code. This committee's basic approach to the solution of those problems which are related to Civil Service Commission rules is outlined in the following paragraphs.

D. Approach to Rules Revision

1. Authority of the Personnel Director and Secretary - One of the main thrusts of the rules revisions has been to strengthen the decision making powers of the Director in personnel actions which are administrative in nature. The County Charter provides in part that the Director, "shall be responsible - - - for carrying out all procedures in the administration of the classified personnel in conformity with the provisions of this Article (the Charter) and the rules of the Commission." The Director should be permitted to exercise more leadership and direction in personnel administration. This can best be done when the Director has both the responsibility and the authority to function as an executive under policy guidance. Fully adequate safeguards against abuse of this authority are provided in Rule XIV, which gives any person who feels that he has been adversely affected by any action or decision of the Director the right to a hearing before the Commission.

2. Decisions of the Civil Service Commission - The Commission should remove itself from the area of management decision making. This applies to special merit increases and salary adjustments, advanced step hiring, replacement of names on eligible lists, requests for voluntary demotions, and similar personnel transactions which are not policy matters. The Commission should not be required to make decisions on routine or administrative matters. The revised rules provide an effective appeals procedure whereby a person who feels adversely affected by a

management decision on any of the above described subjects may seek relief. This does not constitute a delegation of the discretionary authority of the Commission. The Commission lays down general guidelines which the Director then uses in making administrative decisions.

3. Flexibility vs Rigidity in Civil Service Commission Rules - Reference has already been made to some of the problems created when state constitutions, county charters, and similar organic laws are overly specific in prescribing the manner in which complicated governmental systems are to be administered. If what remains of civil service systems in California is to survive and serve any useful purpose these systems must be responsive to the persons served and readily adaptable to changing conditions. During the five years since the passage of the MMBA more changes have occurred in public personnel administration than in the thirty five year period between the adoption of the County Charter and the MMBA. No one can predict accurately what our systems will look like by the end of this decade. The County must not be handicapped in its efforts to achieve a viable personnel system responsive to changing needs, which will permit the County to meet the challenges of collective bargaining. A set of highly specific rules, compromised to satisfy the demands for guarantees from many directions, will place the County and its employees at a severe disadvantage for years to come.

II. SUMMARY OF PRINCIPAL RECOMMENDATIONS

A. The following paragraphs contain brief descriptions and justifications of the more important recommended rule changes.

1. The definitions of terms used in the Commission Rules have been brought up to date. Where these terms included instructions, or in themselves constituted

rules or fragments thereof, such instructions have been eliminated or placed elsewhere in appropriate rules.

2. The authority of the Director has been strengthened throughout the rules. The Director will be making administrative decisions formerly reserved for the Commission. As stated earlier in this report, any person who feels adversely affected by any action or decision of the Director may appeal to the Commission.

3. The Director has authority to issue administrative regulations and procedures for the administration of these rules.

4. The Director, instead of the Commission, will allocate or reallocate all positions to appropriate classifications. The present Rule III is somewhat ambiguous on this point. Although, this rule can be interpreted either way, the practice has been to request Commission approval of allocation of positions. The Commission has rarely, if ever, changed the Director's recommendations. This practice of the Director making allocations is consistent with that of numerous other progressive public agencies and will avoid the necessity of the Commission becoming involved in unnecessary detail. Also, classification matters are increasingly becoming issues in collective bargaining. This change will provide needed flexibility in settling issues.

5. The rule on classification of positions requires that specifications be prepared so as to promote the goals of affirmative action, to encourage upward and lateral mobility, and to avoid the creation of dead-end jobs. This statement is in harmony with the Civil Rights Act of 1964, Guidelines of the Equal Employment Opportunity Commission, the Guidelines of the California Fair Employment Practices Commission, and the County's Affirmative Action Program.

6. A new rule titled, Recruitment, has been added. This rule emphasizes that recruitment plans will include consideration of affirmative action goals. The rule contains some statements which were formerly included in other rules, and gives the Director discretionary authority in planning and conducting recruitment.

7. The rule on applications has been rewritten. Illegal requirements placed on applicants for County employment regarding citizenship, as well as questionable references to temperate habits, gambling, and immoral practices have been eliminated.

8. Following are the more important changes made in the rule on examinations:

(a) The rule has been made more general and the Director has been given greater latitude in making decisions. This is in keeping with the basic approach described in paragraph D of Section I.

(b) Permits the use of any valid selection criteria in preparing examinations. This is consistent with recent laws and court cases. It is essential that the County have this flexibility in an area where new developments are taking place constantly and where new laws and court decisions are having great impact. This particular change also permits the use of past job performance evaluations, which is needed in many promotional classifications for County employees.

(c) The requirements for a minimum passing point of no higher than 85% or lower than 70% has been deleted. This requirement is meaningless because a flexible passing point system has been and will continue to be used. Furthermore, the State Personnel Board, which prepares the written tests used by the County, has emphasized repeatedly that these written tests are only approximate measuring devices and are meant to be used with passing points ranging from 50% and higher. The experience of the County in a 1972 court case centering around this subject clearly demonstrated that this portion of the present rule has little justifiable basis and was, in fact, indefensible in court. The recommended wording of the rule will avoid a reoccurrence of such a situation and have a beneficial effect on the examination program.

(d) Qualifying examinations may be given to permanent and probationary employees for specifically designated position reclassifications, transfers, demotions, and alternate classifications. This will give the County needed flexibility in moving employees from one classification to another without

forcing them to go through an examination process which, in many cases, is unrealistic and unnecessary. Also, it will avoid misleading the public by encouraging people to apply for positions which, in many cases, are non-existent for all practical purposes. This has been a legitimate complaint of employee organizations, as well as many individual County employees. The proposed procedure has worked successfully in Santa Clara County and many other public jurisdictions for years.

(e) The reasons for appeal from ratings by oral examining boards which are below passing has been confined to allegations of irregularity, bias, discrimination, or fraud. The present rule allows appeals for alleged erroneous interpretation and application of the minimum qualifications prescribed for the classification. The purpose of this rule change is to provide relief where there are reasonable grounds to believe that any of the above stated conditions prevailed in the oral examination and, at the same time, avoid substituting the judgement of the Commission for the professional judgement of the oral examination board. The Commission is in no position to do the latter unless it is prepared to place itself in the position of the board, assume its functions, and provide all the varied kinds of technical knowledge required.

(f) The rule on examinations has been revised to eliminate from promotional examinations the addition to the employee's total score of one point for each year of County service, up to a maximum of ten points. The purpose of any examination procedure is to determine which candidates are qualified and, within this group, to establish some job-related order of merit. Years of past experience in administering the present system show that the arbitrary introduction of a variable such as length of County service into examination scores often results in pushing candidates with only marginal or average qualifications up near the top of the eligible list, thus displacing other candidates who are more qualified. Such a system blindly rewards seniority and defeats the aims of a true merit system. This problem can be critical in a system where the County Charter confines the choice of the appointing authority to the top three names on the eligible list. County employees are already given a great advantage over non-County employees by the opportunity of having their names placed on a promotional eligible list, which must be certified ahead of the general employment eligible list.

9. The rule on eligible lists has been revised as follows:

(a) The rule has been rewritten to authorize the Director to perform or approve administrative actions formerly indicated in the rule as Commission functions. Actually, the involvement of the Commission in such determinations has been to approve routinely the recommendations presented by the Director.

(b) Other reasons for rewriting this rule were to clarify it and to consolidate in this rule policies which were fragmented among several other rules.

(c) The revised rule also provides that when work load increases so that a part time position becomes full time the Director may place the name of the incumbent on the full time eligible list in rank order of the incumbent's score on the original examination. This change will alleviate existing problems in departments which utilize permanent, part time employees, and must meet the demands of increasing work load.

10. The rule on requisition and certification was rewritten to improve clarity, specify priorities of eligible lists, and to enable the Director to perform administrative functions related to this rule which were formerly reserved nominally for the Commission.

11. A new rule has been added titled, "Medical Standards for Employees and Physical Examinations." The addition of this rule recognizes the need for a clearly defined set of medical standards for use in selecting applicants for employment. The use of valid, job related medical standards in pre-employment physical examinations will result in monetary savings to the County. The Commission will approve the standards and the Director will establish the administrative procedures. The rule also provides authority for medical re-examination of employees in physically demanding classifications.

12. The present rules on promotion, demotion, and transfer have been consolidated with the present rule on appointment and probation. Following are the more significant changes:

(a) The appointing authority is required to interview all applicants who respond to a certification before making a selection to fill a vacancy. Also, the appointing authority is required to notify all persons interviewed regarding the results of the interview. Lack of such a provision in the past has caused chagrin to applicants who responded to an interview notice and were informed that the position had already been filled. Also, an applicant who goes to the trouble of taking one or more tests and responding to an interview notice should be accorded the courtesy of being informed of what happened in event that he is not appointed to the position.

(b) The appointing authority may terminate a probationary employee at any time during the probationary period without the right of hearing by or appeal to the Commission. The County's past policy has been that the probationary period is the final phase of the examination process. It should be used by the appointing

authority for the effective adjustment of new employees through supervision, counselling, and evaluation, as well as for the elimination of any probationary employees who do not meet the required standards of work. The present rules provide for a review by the Commission upon appeal from a dismissed probationary employee. This review by the Commission makes little or no contribution to the solution of the serious problems which existed before the dismissal of a probationary employee reaches such a level. The Commission, without any first hand knowledge of the situation as it built up over a period of months to the point of dismissal, is placed in the position of having to decide which side to believe. There is a difference in the case of a permanent employee, where the period of service is normally much longer and the information on the subject clearer and more definitive. Despite the immediately preceding justification, the basic premise upon which this rule revision rests is the fact that the probationary period is a part, or extension of, the examination process. That process is not complete until the employee is accorded permanent status following successful completion of an on-the-job trial period. It should be emphasized that permanent employees who are promoted have the right to revert to their former classification if rejected during their probationary period.

(c) This revision removes the provision for appointments in a contingent status in the Municipal Courts as a result of court order and pending legislative approval. This provision was needed when the legislature met bi-annually. It is no longer needed now that the legislature is in session every year.

(d) The revision specifically confirms present unwritten practice that permanent County employees accepting a temporary promotion shall not suffer any loss of employee benefits. Such loss could occur, but has been avoided in the past through informal action.

(e) The revision removes the 15 day limit on emergency appointments and requirement that the appointing authority request certification thereafter. In

event of emergency there could be a valid requirement for an appointment longer than 15 days. Requiring that a department head request certification after 15 days might impose an administrative burden on the department at a time when the department were least able to perform such functions. The controls included in the revised rule are adequate to prevent abuse of the flexibility proposed to be given to department heads.

(f) The revised rule gives the Director authority to approve appointments at any step in the salary range of a job classification, as well as authority to approve special merit salary increases. These actions formerly required Commission approval. The reasons for this recommended change are stated in Section I, paragraph D, sub-paragraph 2. These administrative actions are based on management decisions. The bases for these decisions are circumstances concerning the departments, the actual or anticipated performance of the employees, and the background of the employees. Management has first hand knowledge of all of these factors and should make the decisions involved. The Director, in approving such requests, can insure uniformity and consistency in the application of policy. The department head may appeal to the Commission in event of disagreement with the Director.

13. The present rule on reports of performance has been retitled Employee Performance Evaluation and rewritten to provide the following changes:

(a) The Director is authorized to establish an employee performance evaluation system. The revised rule outlines the objectives of this system which will include, but not be limited to, assisting supervisors and their employees in measuring progress towards goals, employee development, and recording for possible future use information needed for personnel decisions affecting employees who are evaluated. The rule also provides for applying this evaluation system to employees other than probationary and permanent employees. The reasons for this are that in the past extra help and temporary employees have worked for a considerable period of time for the County without being evaluated. When these employees have been hired subsequently in probationary or other positions there was no readily available information on their manner of performance in previous jobs. Some errors in employment have been made as a result of this lack of information.

(b) The revised rule removes former restrictions on actions which the Commission may take on appeals of performance evaluations. The present rule provides that the Commission after reviewing an appeal of a performance evaluation may order the rating to remain the same or to raise to satisfactory or to be lowered. The new rule simply provides that the Commission will review the facts and order taken such action as it deems appropriate. One reason for this recommended revision is that the County Manager has appointed a committee to review the

present employee performance evaluation system and to make recommendations. The recommended revised rule is sufficiently broad to accomodate any recommendations or proposed system which may result from the work of this committee.

14. The rule on Dismissal, Suspension or Demotion for Cause has been revised to provide for the following:

(a) All procedural matters concerning hearings have been removed from this rule and placed in a separate rule titled Civil Service Commission Hearings. This was done in the interest of clarity.

(b) The revised rule specifies in detail how notice may be given to employees. In the present rule this is somewhat confusing. The revised rule clarifies this point and no longer requires the Director to give a second notice of disciplinary action to the employee when he has already been so advised by the appointing authority.

(c) In the present rule the causes for dismissal are somewhat vague and not clearly defined. A revised rule sets out in greater detail the causes for disciplinary action and defines them in a clearer manner. This should be of assistance to any person who has cause to deal with such a problem. The revised rule removes that section of the present rule which provides for the filing of charges against county employees by citizens. This provision has been rarely, if ever, used. Furthermore, it is redundant because citizens who have had complaints against employees have shown little hesitancy in communicating with the Board of Supervisors, the County Manager, the appropriate department head, the Civil Service Commission or, in some cases, all four of these offices simultaneously. In any case, ultimately the department head investigates and either takes or recommends appropriate action. By removing this section from the rule no citizen will be deprived of adequate means of redress.

(d) The revised rule provides that if an employee is believed to be physically or mentally incapacitated for work, the appointing authority may require

that employee to undergo an examination by physician or psychiatrist of the County's choice at County expense. Experience has shown that this provision is needed because in the past County employees have continued to work when all indications point to the fact that they have either physical or emotional problems which render them incapable of properly performing their duties. This rule revision will make it possible for the County to insure that the employee receives appropriate medical examination so that proper administrative action can be taken.

15. A new rule, titled Civil Service Commission Hearings has been written, which is based on experience gained during many years of Commission hearings. The present rules contain some statements on hearings, however, this information is divided among several rules, is vague, and is incomplete. Definitive guidance is needed on this subject by the Commission, departments, employee organizations, and individual employees.

(a) The new rule provides that any person who is adversely affected by an action or decision of the Director may petition for a hearing before the Commission. This provides adequate safeguards to any employee, employee organization, or department head who feels that he has been adversely affected by any action or decision of the Director exercised as a result of the increased discretionary powers which the revised rules give to the Director.

(b) The new rule provides clearly that disciplinary actions which are appealed shall be accorded an evidentiary hearing, but the rule makes discretionary the type of hearing to be accorded on other types of appeals. This would be any appeal not involving a dismissal, demotion, or a suspension in excess of five days.

(c) The revised rule sets specific time limits for the filing of various appeals. These time limits are not clearly defined in each case in the present rules, nor are they to be found all in one part of the rules.

(d) The new rule provides that the Commission may appoint one or more of its members to act as a hearing board. This manner of handling appeals will save much time for the Commission and expedite appeal procedures.

(e) The remainder of this new rule describes procedural guidelines for the conduct of hearings. These guidelines are needed in order that the Commission departments, employee organizations and individual employees will know what is expected and how to proceed in processing appeals.

16. The only significant change in the rule on resignation is the requirement for a permanent or probationary employee to give fourteen days written notice in advance of resignation unless the appointing authority agrees to a shorter period. Failure to give the prescribed minimum advance written notice may result in forfeiture of future employment rights, as well as the right to have the former employee's name replaced on the eligible list for his classification. This requirement is needed in order for the county to have timely advance notice of vacancies and take action needed to avoid disruption of work. The latitude given the appointing authority to agree to a shorter period of advance notice should adequately protect employees who are forced to resign because of some personal emergency.

17. The rule on reduction in force, lay off and reemployment has been rewritten to provide for the following changes:

(a) The requirement has been deleted from the rule for the Commission to inform the Board of Supervisors of abolishment of positions by department heads. The Commission has no jurisdiction over this subject. Only the Board of Supervisors can create or abolish a position.

(b) The revised rule removes the provision in the present rule for transferring duties of persons laid off to any other employee, who in the opinion of the Commission, is qualified to perform such duties regardless of specific job

classification. The legality of this portion of the rule is questionable, except in an emergency. Emergency situations are provided for in the section of the rule covering emergency appointments.

(c) The present rule contains a section titled, "Limitations as to Actions". This was an attempt to protect legally any department head or member of the Commission against a suit brought by a former employee who is laid off. This section is, in the opinion of legal counsel, redundant and for that reason has been eliminated from the present rule.

(d) The revised rule clearly specifies the order of lay off for non-permanent employee categories, which are: extra help, temporary, provisional, and probationary. This revision provides a needed clarification and, in the opinion of the committee, establishes an equitable order of lay off for non-permanent employees.

(e) The revised rule provides that time worked, not only in a permanent, but also in a probationary, provisional, or a temporary status shall count as County service in determining seniority rights for the purposes of lay off. The exclusion of these types of county service introduces undesirable inequities into the lay off procedure. The only category of employment which has been excluded in the revised rule is employment in an extra help capacity. This type of employment is so variable and transient, that its inclusion would unduly complicate the computation of seniority. Also there is some question regarding its comparability with the previously mentioned categories of employment for the purposes of seniority.

(f) The revised rule requires the Director and all department heads concerned to make every effort to relocate in other County jobs employees who are scheduled for a lay off. In past lay offs the Commission staff and all department heads concerned have done this. However, this needs to be formalized and included in our rules.

18. Rule XXII, Reports to the Commission, has been eliminated from the revised rules because these reporting requirements are contained in other revised rules or in administrative procedures.

19. Rule XXIII, "Certification of Payrolls" has been eliminated from the revised rules because the provisions of this rule are either out of date, redundant, or provided for in administrative procedures. Following is a discussion of the main provisions of this rule:

(a) Section 1. Official Roster - This rule provides that the Commission shall maintain in its office an official roster of all persons employed in the classified service. This is a para-phrase from the County Charter and is provided for elsewhere in the rules. Furthermore, one of the guidelines of these revisions has been to use the name of the Commission only in cases where that body actually performs, or is directly responsible for a function. The Director supervises the maintenance of records, under general rules prescribed by the Commission. Some of these Charter ambiguities need to be eliminated by revisions to the County Charter.

(b) Section 2. Payrolls to be Submitted - The functions described in this section are no longer applicable in that they are based on the assumption that the number of County employees is still small enough and the Director's staff is large enough to perform a manual check on the payroll. Actually, the EDP Department prepares a time card transmittal report each month based on time cards submitted by departments. About three days before pay day four copies of each department's time card transmittal report are sent to that department for checking. The department makes any necessary corrections and returns three copies to the Commission office. This office retains one copy for certain checking, which can probably be reduced or eliminated, and sends the other two copies to the Controller. The Controller sends one copy to the Tax Collector-Treasurer for retirement system records, and files the signed original for reference and future audit.

The Director does not perform the functions described in Section 2 of this rule because the departments are the basic sources of this kind of information, as well as responsible for its verification.

(c) Sections 3 and 4. Certification of Payrolls - There is no need for the Director to certify a payroll which he has not verified. The certification is only a formality.

(d) Section 5. Payrolls to be Submitted as Commission May Provide - The primary users of these EDP reports are the payroll personnel in departments, where actual production and verification of the information takes place. The determinations of format to be used are more properly a concern of the departments, the Controller, and the EDP Department, rather than the Civil Service Commission. The Controller, operating under policy guidance from the County Manager, should be in charge of this function.

20. Rule XXVI, Compulsory Retirement, has been eliminated because the Commission has no jurisdiction over retirement. The provisions of the County Employees Retirement Law of 1937, By-laws of the San Mateo County Retirement Association Board of Retirement, and resolutions of the Board of Supervisors regulate the County Employees' Retirement System.

APPENDIX A

RECOMMENDED RULES
for
CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION RULES

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RULE I

PROVISIONS FOR THE RULES AND ADMINISTRATIVE REGULATIONS

SECTION 1. AUTHORITY TO ADOPT RULES: Under the authority of Section 9, Article XIV, Charter of the County of San Mateo, the Civil Service Commission of San Mateo County hereby prescribes and adopts these rules.

SECTION 2. APPLICABILITY: These rules apply to all positions in the classified service, which includes all positions and employments in the service of the County except those specifically exempted in Section 4, Article XIV of the County Charter. These rules shall be binding upon the Board of Supervisors, elective officials, boards and commissions, and all employees in the service of the County.

SECTION 3. PURPOSE: These rules are prescribed to carry out the provisions of Article XIV of the County Charter, which established the County civil service, and to provide for a system of effective personnel administration within the scope of those provisions.

SECTION 4. SEPARABILITY: If any provision of these rules, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of these rules or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 5. RESCISSION OF PRIOR RULES: Civil Service Commission Rules adopted February 14, 1947, as subsequently amended, are hereby rescinded.

SUMMARY OF PRINCIPAL CHANGES

RULE II

ORGANIZATION AND MEETINGS OF THE CIVIL SERVICE COMMISSION

There have been no significant changes in this rule, which is based mainly on provisions of the County Charter, with the exception of the portion on records of the Commission. This revision eliminates reference to Roberts Rules of Order as a guide to procedure, as well as some redundant statements.

RULE II

ORGANIZATION AND MEETINGS OF THE CIVIL SERVICE COMMISSION

SECTION 1. ELECTION OF OFFICERS: At its first meeting of each year the Commission shall elect one of its members as chairman and another as vice chairman.

SECTION 2. APPOINTMENT OF DIRECTOR: The Commission shall appoint the Director who shall be the Secretary to the Commission and shall be responsible for the administration of the classified personnel system in conformity with the provisions of the County Charter and the Rules of the Commission.

SECTION 3. MEETINGS: The Commission shall hold regular public meetings quarterly during the first ten days of January, April, July, and October. In addition, the Commission may hold special meetings upon the call of the chairman or any two members of the Commission at such time and place as the business of the Commission may require. A majority of the Commission shall constitute a quorum for the transaction of business. Meetings shall be open to the public unless ordered closed by the Commission.

SECTION 4. AGENDA OF THE COMMISSION: All matters to be considered by the Commission at any regularly scheduled meeting must be submitted in writing to the Director at least three days before the meeting. Matters for which such notice has not been given may either be considered as non-agenda items upon the unanimous consent of the members present or may be considered at the next meeting.

SECTION 5. MINUTES OF COMMISSION MEETINGS: The Director shall record in the minutes the time and place of each meeting, the names of the Commissioners present and all official acts of the Commission. The minutes need not be a verbatim record, but shall summarize the actions taken and discussion held. Minutes of the Commission meetings shall be a public record. Other records of the Commission shall be confidential except as otherwise provided by the Commission. All records of the Commission shall be in the custody of the Director, and disclosure to the public shall be at his discretion.

SUMMARY OF PRINCIPAL CHANGES

RULE III

DUTIES OF THE DIRECTOR

This rule is a description of the present responsibilities of the Director. The rule states the Director's general duties, as well as the principal functions performed by the Director and the personnel supervised by him. Some unnecessary detail has been eliminated.

RULE III

DUTIES OF THE DIRECTOR

The Director acts as Secretary to the Commission and is responsible for the administration of the classified personnel system under rules established by the Commission and other applicable laws, ordinances, and administrative regulations. The duties of the Director shall include, but not be limited to, the following:

1. act as the executive officer for the Commission and be responsible for carrying out the decisions, instructions, and rules of the Commission.
2. issue administrative regulations or procedures for the administration of these rules.
3. prepare the Commission's agenda and keep an official record of all actions taken by the Commission.
4. make recommendations for needed changes in Commission rules, personnel procedures, or administrative procedures.
5. provide research, information, and recommendations needed by the Commission to make required decisions.
6. advise the Board of Supervisors, the Civil Service Commission, and the County Manager in employer-employee relations activities.
7. be the manager of the Civil Service Department and be responsible for the hiring, assignment, and work of all personnel assigned to that department.
8. prepare an annual report to the Commission for review and submission to the Board of Supervisors.
9. be responsible for the administration of the County merit system and provide centralized personnel services for all employees in the classified service. These responsibilities shall include, but not be limited to:
 - a) certification, central record keeping, and personnel transactions, including maintaining an official roster of all persons employed in the classified service, along with appropriate personnel records.
 - b) all classification matters and appropriate salary information.
 - c) recruitment and examination program.
 - d) safety and industrial claims management
 - e) training and employee development
 - f) federally or state funded manpower utilization programs
 - g) affirmative action programs
10. perform any additional duties that may be assigned to him by the Commission, of that may be required to properly administer the civil service provisions of the Charter, these rules, or related laws, or administrative regulations.

SUMMARY OF PRINCIPAL CHANGES

RULE IV

CLASSIFICATION OF POSITIONS

1. Gives the Director authority to classify and reclassify positions. Although the County Charter gives the Commission authority over job classification the intent of these rule changes is to emphasize the role of the Commission as an impartial appeals body. The Commission should not be required to make decisions on routine or administrative matters.
2. Enunciates the basic principle governing classifications and requires that class specifications contain only those minimum qualifications essential to adequate job performance. Directs attention towards the goals of affirmative action, encourages upward and lateral mobility and the avoidance of creating dead-end jobs.
3. Eliminates obsolete statements from the section on establishment of new positions.

CLASSIFICATION OF POSITIONS

SECTION 1. GENERAL: Classification shall be based on the principle that positions shall be in the same class when their job requirements are sufficiently similar to justify the same descriptive title, schedule of compensation, comparable employment standards and selection criteria. The Director will classify all positions in the classified service established by the Board of Supervisors either by allocating them to existing classes or recommending to the Board new classifications with appropriate titles. The Director will revise existing class specifications and make appropriate reallocations as needed. The class title shall be the title of each position in the class and shall be used in all personnel records, payrolls, and personnel transactions. Class specifications shall include only those educational, training, physical and experience requirements which are essential to adequate job performance. Class specifications will be prepared so as to promote the goals of affirmative action, to encourage upward and lateral mobility of employees, and to avoid the creation of dead end jobs.

SECTION 2. INTERPRETATION OF CLASS SPECIFICATIONS: Class specifications shall be descriptive, explanatory, and indicate the kinds of positions which should be allocated to the various classes. The language of specifications shall not be construed as limiting the authority of department heads to direct and control the work of employees in departments or to alter their duties and responsibilities. The class specifications shall constitute a guide for the establishment of minimum employment standards, for examinations, and for evaluating the qualifications of applicants. General qualifications commonly required of all employees such as good judgment, honesty, and freedom from disabling defects shall be deemed to be included in the minimum qualifications of each class specification.

SECTION 3. CHANGE OF ASSIGNED DUTIES: No employee shall be required regularly to perform duties of a position outside of the classification to which he has been appointed. However, employees may be assigned temporarily duties outside their classifications. In addition, under the conditions described in Section 9 (Emergency Appointments) of Rule XI, a department head may temporarily assign to employees whatever duties are necessary to meet the requirements of the emergency situation.

CLASSIFICATION OF POSITIONS

Whenever a department head proposes or assigns on a permanent basis duties which are significantly different from those described in the class specification for that position a report will be made to the Director, who will initiate a job study.

SECTION 4. CHANGES IN CLASSIFICATION:

A. The Director shall periodically review the duties of positions in the classified service and make appropriate classification changes.

B. An employee in a position reallocated to a lower class shall have the right of either (1) transferring to a vacant position in his present classification, provided the head of the department into which the transfer is proposed agrees, or (2) continuing in the same position in the lower classification and at a rate of pay determined by the Director, but within the salary range of the lower classification.

C. Where alternate staffing is permitted in the Salary Ordinance the appointing authority may utilize these alternate classifications interchangeably in filling vacancies. The provisions for promoting employees from one such classification to another are described in Rule XI , Section 11, paragraph B.

D. When an occupied position is abolished the rule governing lay offs shall apply.

SECTION 5. ESTABLISHMENT OF NEW POSITIONS: Whenever a new position is to be established the appointing authority shall submit to the Director a description of the duties of such position. The Director will have a job study made and classify the position by allocating it to an existing classification or recommending to the Board of Supervisors a new classification. When a new classification is created the Director will recommend to the Board of Supervisors an appropriate salary range.

SUMMARY OF PRINCIPAL CHANGES

RULE V

RECRUITMENT

This is a new rule which contains some statements formerly in the rule on examinations. It condenses these statements, makes them more general and gives the Director broader authority to use at his discretion. This rule specifically directs attention to the goals of the Affirmative Action Program.

RULE V

RECRUITMENT

SECTION 1. METHODS: Department Heads shall advise the Director in a timely manner of current and anticipated vacancies and, where applicable, suggest appropriate methods of recruitment and examination. The Director will determine specific recruiting methods to be used. Examinations may be scheduled in anticipation of future vacancies. The Director may postpone or cancel examinations, as well as extend the closing date for accepting applications.

SECTION 2. AFFIRMATIVE ACTION: In planning and conducting recruitment the Director and all other persons involved will give due consideration to the goals of the Affirmative Action Program.

SECTION 3. ANNOUNCEMENTS:

A. The Director will prepare examination or recruitment announcements which will be posted in the Civil Service Commission office at least 14 days in advance of the closing date for accepting applications. The Director will disseminate announcements elsewhere, utilize advertisements and other communications media as the Director considers appropriate.

B. Recruitment or examination announcements will describe the duties of the position, minimum qualifications, salary, closing date for accepting applications (where applicable), testing or other selection procedures, and such other information as the Director considers appropriate.

SUMMARY OF PRINCIPAL CHANGES

RULE VI

APPLICATIONS

1. Eliminates illegal requirements regarding citizenship, as well as questionable requirements regarding moral character and temperate habits.
2. Eliminates similar material from the section on disqualification of applicants.

RULE VI

APPLICATIONS

SECTION 1. FILING OF APPLICATIONS:

A. All applications must be made on official forms supplied by the Director and filed in the Commission office on or before the closing date specified. Mailed applications must be postmarked no later than midnight of the closing date for filing. Applications which are filed become the property of the Commission, and will not be returned.

B. A separate and complete application is required for each examination, unless otherwise specified in the examination announcement.

C. Each application must be signed by the applicant certifying the truth of all statements contained therein.

D. Whenever an application is rejected notice of such rejection, with reasons therefore, shall be given the applicant. Persons who are disqualified or whose applications are rejected may appeal in writing to the Commission. Such appeals must be submitted no later than 10 days after mailing of the notice of rejection and must state the reasons why the appellant believes the appeal should be granted. Incomplete or deficient applications may be corrected before the date of the examination.

SECTION 2. QUALIFICATIONS OF APPLICANTS: Applicants must meet the minimum requirements stated in the class specification and the examination announcement. Applicants may be required to submit evidence of service in the armed forces, education, training, licensure or required special qualifications.

SECTION 3. DISQUALIFICATION OF APPLICANTS: The Director may refuse to examine an applicant, or after examination refuse to certify an eligible, or may remove an eligible from the eligible list:

(a) Who is found to lack any of the announced requirements established for the examination.

APPLICATIONS

(b) Who is so disabled as to be unfit for performance of the duties of the class.

(c) Who fails to present himself for, or fails to pass, the required medical examination.

(d) Who is guilty of conduct not compatible with County employment, whether or not it amounts to a crime.

(e) Who has made false statements of material fact in his application.

(f) Who has been dismissed from, or has resigned in lieu of discharge from, any position, public or private, for any cause which would be a cause for dismissal from County service.

(g) Who has used, or attempted to use, any unfair method to obtain an advantage in an examination or appointment to which he is not rightfully entitled.

(h) Who has directly or indirectly obtained knowledge of the content of the examination to which, as an applicant, he was not entitled, or who has taken part in compiling, administering, or scoring the examination.

(i) Who has failed to submit his application correctly and fully or within the prescribed time limits.

SECTION 4. FINGERPRINTING: Applicants before appointment and employees after appointment may be required to be fingerprinted.

SECTION 5. APPEAL FROM DISQUALIFICATION: Whenever any applicant is disqualified in accordance with Section 3 of this rule, or for any other of the causes enumerated in this rule, he may, within 10 days following mailing of the notice of disqualification, make a statement of the facts involved and ask for a hearing before the Commission. The Commission shall investigate the petition and make a finding thereon within 30 days after such hearing.

SUMMARY OF PRINCIPAL CHANGES

RULE VII

EXAMINATIONS

1. Makes the rule covering examinations more general and strengthens authority of Director.
2. Gives Director authority to use any valid selection criteria in preparing examinations. Specifically provides for using past performance evaluations and related information in examinations.
3. Deletes requirement for 70% minimum passing point and maximum of 85%. Gives Director needed flexibility in determining passing point by eliminating the unrealistic criteria which have caused problems in court.
4. Deletes unnecessary and restrictive verbiage regarding appointment of oral examining boards.
5. Clarifies appeal procedure for oral examinations.
6. Provides more clearly for application appraisal procedures.
7. Provides more clearly for promotional examinations and eliminates promotional points.
8. Provides for qualifying examinations for reclassifications, alternate staffing, transfers and demotions.
9. Provides specifically for continuous examinations.
10. Condenses veterans preference rule.

EXAMINATIONS

SECTION 1. USE AND NATURE OF EXAMINATIONS: Examinations will be used to determine the eligibility of applicants for employment and their relative positions on eligible lists. The Director will either prepare or obtain from vendors all necessary examinations. Examinations used will be prepared in compliance with Federal and State laws or guidelines and will be based on job requirements.

SECTION 2. SCHEDULING OF EXAMINATIONS:

A. The Director will schedule all examinations and publish notices thereof. He will distribute such notices and determine where they will be posted. Notices will be posted in the Commission office at least fourteen days in advance of the closing date for filing applications for each examination. Notices need not be prepared or distributed for qualifying examinations. The Director may schedule examinations in anticipation of future vacancies.

B. For classes of positions for which it is difficult to maintain adequate eligible lists the Director may schedule examinations and place names on eligible lists on a continuous basis. The names of all candidates who took the same or comparable examinations for the same classification on different dates shall be ranked by score on one eligible list for the purposes of certification.

SECTION 3. CONTENT OF EXAMINATIONS:

A. Examinations may consist of one or more of the following: written tests, oral examinations, appraisals of experience and education, appraisals of past job performance based on performance evaluations or other related information, physical agility tests, job performance tests, or other relevant selection criteria.

B. The content and combinations of tests to be used and the weights assigned to each test shall be determined by the Director.

C. The passing point or minimum qualifying score for examinations shall be determined by the Director.

SECTION 4. TYPES OF EXAMINATIONS: The Director may determine the type of examination to be used in order to establish eligible lists. These types may be:

EXAMINATIONS

A. Promotional Examinations: Only permanent and probationary employees who have served at least six months in such status in a satisfactory manner prior to the date of the examination are eligible to compete in promotional examinations. Persons who have been laid off and whose names are on a reemployment list are also eligible. Promotional examinations shall be County-wide, and not restricted to employees of any particular department, or departments.

B. Open Examinations: Any person who has the minimum qualifications for the job classification applied for may compete in open examinations.

C. Open and Promotional Examinations: Any person who has the minimum qualifications for the job classification applied for may compete in an open examination. In addition, any person competing in an examination which is both open and promotional, and who meets the criteria described in Section 4, paragraph A, shall have his name placed on a promotional eligible list if his total score on the examination is at least 10% above the passing point.

D. Qualifying Examinations: Qualifying examinations may be given to probationary and permanent County employees for specifically designated position reclassifications, transfers, demotions, and alternate classifications. A County employee who successfully passes a qualifying examination may have his name placed on an eligible list for the classification for which he was examined. Such employee's rank on that eligible list shall be based on his examination score, as determined by the Director. Such examinations shall not require the publication of an examination notice.

SECTION 5. APPRAISAL OF EDUCATION, EXPERIENCE, OR PERSONAL QUALIFICATIONS: In an examination where the education, experience, or personal qualifications of candidates are to be rated, such ratings may be made by either or both of the following methods, as determined by the Director:

A. Appraisal of Qualifications Based on Records: The Director may designate one or more persons to evaluate and rate applicants based on information contained

EXAMINATIONS

in the application form, records of past job performance, or other designated criteria without the necessity of candidates appearing in person for interview.

B. Oral Examination:

(1) In addition to, or in lieu of the above described procedure, the Director may appoint one or more oral examining boards consisting of the Director or his representative, who shall act as chairman, and one or more other persons to evaluate and rate the applicants invited to appear in person for interview.

(2) If, at the time and place set for the meeting, a member or members of the board fail to appear, the board may proceed with or without the resulting vacancies being filled, as determined by the chairman. The board may not proceed with less than two members present.

(3) Ratings of general qualifications shall be made independently and expressed in percentages by each board member. When a rater considers an applicant not qualified the rater shall write the reasons on the rating sheet. The Director shall prescribe the method of integrating the scores of all oral examining board members. The Director shall determine the relative weight which the final score of the board shall have in relation to other tests which may constitute a part of the examination.

SECTION 6. CONDUCT OF EXAMINATION:

A. The Director may issue administrative regulations governing the conduct of examinations.

B. The Director will notify applicants in advance of the time, date, and place of examinations. Normally, all examinations will be given in Redwood City, but may also be scheduled at other times and places to facilitate recruitment.

C. Written examinations will be administered so that no examination paper will disclose the applicant's identity until after the examination has been scored and the passing point determined.

D. No person will be admitted to an examination who does not meet the minimum requirements of the classification applied for.

EXAMINATIONS

E. Any candidate who receives or gives unauthorized assistance, or uses unauthorized reference material during a written examination may be disqualified from the examination and barred from future examinations.

SECTION 7. NOTICE OF RESULTS OF EXAMINATIONS: As soon as examinations are scored and eligible lists established applicants will be notified of the results and, if successful, their scores and relative positions on the eligible list.

SECTION 8. APPEALS FOR REVIEW:

A. Appeals From Ratings of Oral Examining Boards or Appraisals of Qualifications Based on Records:

(1) The Commission will review appeals from ratings of oral examining boards or appraisals of qualifications which are below passing solely for reasons of alleged irregularity, bias, discrimination, or fraud in the conduct of the qualifications appraisals or oral examination. The purpose of this provision is not to substitute the judgement of the Commission, but rather to provide relief to an appellant where there is reasonable cause to believe that the appellant's interests were prejudiced by irregularity, bias, discrimination, or fraud in the conduct of the examination.

(2) Such appeals must be submitted in writing by the appellant within 10 days after notices of test results have been mailed to candidates, and must contain a statement of the facts upon which the appeal is based.

(3) If, after reviewing such an appeal, the Commission finds that there was irregularity, bias, discrimination, or fraud in the conduct of the oral examination or appraisal of qualifications the Commission may direct either that:

(a) The appellant be given an over-all rating for the entire examination equal to the minimum passing score or

(b) The entire appraisal or oral examination be invalidated and a new one held for all applicants who were invited to the invalidated examination or considered in the appraisal.

B. Appeals for Review of Written Examination Questions: For a period of three

EXAMINATIONS

working days immediately following the written test a person who has taken such test may inspect at the office of the Commission a keyed copy of the examination, except when prohibited by the agency which prepared the examination. During this three day period such person may file in writing an appeal against any portion of the examination, along with the reasons therefore. The Director will rule on the appeal and suspend establishment of the eligible list until appropriate scoring corrections have been made.

SECTION 9. VETERANS PREFERENCE:

A. For the purposes of this rule veteran means any person who has served at least 90 consecutive days of active duty in the armed forces of the U.S., for which period of service a campaign medal has been authorized by the government of the U.S., and to which the applicant is entitled; or who has served at least 181 consecutive days of active duty. To be eligible for veterans preference an applicant must have received an honorable discharge or a discharge under honorable conditions, proof of which service and discharge must be submitted to the Commission before the time of the examination. No person shall receive the below credit for veterans preference after five years have elapsed from and after the date of his discharge or separation from active duty. Active duty as used herein means full time service in any of said armed forces and does not include part-time service in any reserve status or in the National Guard.

B. Disabled Veteran means any person who has been disabled as a result of any service giving the status of a veteran under this rule and who has at least 10% disability as measured by the United States Veterans Administration, or equivalent authority for other branches of the service. Claim for disability preference must be accompanied by certified copy of record of the United States Veterans Administration, or other acceptable documentary evidence dated within the past six months.

C. Preference shall extend only to a veteran personally, or to his unmarried widow, or to the wife of a totally disabled veteran.

EXAMINATIONS

D. Veterans and disabled veterans or those entitled to their preference must have all qualifications set for entrance to any examination and must pass all parts of an examination including written, oral, physical, medical, or performance examination as may be required before veterans preference shall apply.

E. Preference shall be five points for veterans without disability or ten points for veterans having disability as provided by this rule. Preference shall be added to passing scores only. The rule for ranking eligibles in order of percent standing shall not be otherwise changed by application of veteran preference.

F. Preference shall not apply to promotional examinations, qualifying examinations, or to any personnel transactions such as dismissal, transfer, or lay-off.

G. Claim for veteran preference shall be investigated and the Director may require suitable documentary proof of the status of anyone claiming veterans preference under this rule. Applicants claiming veteran preference in any examination must so state when the application is filed.

SUMMARY OF PRINCIPAL CHANGES

RULE VIII

ELIGIBLE LISTS

1. Authorizes Director to approve eligible lists, whereas this has been formerly done by the Civil Service Commission.
2. Authorizes Director to remove names from eligible lists for specific reasons, whereas this has been formerly done by the Civil Service Commission.
3. Authorizes Director to use alternate eligible lists to fill vacancies for which there is no eligible list or whenever it is in the best interests of the County, provided that the qualifications required are comparable.
4. Provides for listing names on Preferred Limited Term eligible lists in the order of scores derived from performance evaluations, as determined by the Director. Formerly names have been listed in the relative order of scores on the original examination.
5. More clearly defines in separate paragraphs each type of eligible list which may be used.
6. Provides for replacing names of persons who resign on eligible lists. This provision was formerly in the rule on resignation. This provision also authorizes the Director to replace such names on eligible lists, whereas this authority was formerly reserved for the Commission.
7. Provides for placing names of incumbents of part time positions on full time eligible list for their classifications when work load of a position increases so as to become full time.
8. Gives Director authority to replace the name of a rejected probationer on the eligible list, whereas this authority was formerly reserved for the Commission.

RULE VIII

ELIGIBLE LISTS

SECTION 1. ORDER OF ELIGIBLES: Applicants for employment who qualify in an examination for a job classification shall have their names placed upon appropriate eligible lists in the order of their final scores.

SECTION 2. EFFECTIVE DATE OF ELIGIBLE LISTS: Eligible lists shall be in effect from the date on which approved by the Director. Changes in rank, or addition or subtraction of names because of errors or re-ratings, shall not change the effective date of an eligible list.

SECTION 3. DURATION OF ELIGIBLE LISTS:

A. Eligible lists resulting from examinations for all classes of positions shall remain in existence for at least one year and may be extended for an additional period of one year in the discretion of the Commission.

B. When, in the opinion of the Director, an eligible list does not meet the needs of the County, the Director may order examinations to provide additional eligibles. All successful applicants shall have their names placed on eligible lists in the order of their final scores.

C. The names of persons on reemployment eligible lists shall remain thereon for a period of one year, which period may be extended for an additional year by the Commission.

SECTION 4. REMOVAL OF NAMES FROM ELIGIBLE LISTS:

A. The Director shall remove from eligible lists the names of all applicants that have remained thereon for one year, unless the eligible lists are extended. In the latter case, the names shall be removed after two years.

B. If, at the time of termination, an employee's name appears on a promotional eligible list his name shall be removed from the promotional list and placed on the open competitive eligible list for that classification in accordance with his final score. This score may include any veterans preference points to which he may be entitled. The same procedure shall be followed if the terminated employee has qualified in an examination then in the process of being completed.

ELIGIBLE LISTS

C. The Director may remove the names of applicants from an eligible list when, in his opinion, the applicant no longer possesses the minimum qualifications of the classification.

D. The Director may remove from eligible lists the names of applicants who:

(1) Decline three times an offer of probationary employment

(2) Request to have their names removed from an eligible list or state that they are not interested in employment in that classification.

(3) Fail to respond to an invitation for pre-employment interview following certification from an eligible list.

(4) Cannot be located by the U.S. Postal Service

(5) Are appointed to permanent positions in the classification for which their names were on eligible lists. This does not apply to eligibles who are appointed to temporary positions.

SECTION 5. TYPES OF ELIGIBLE LISTS: Eligible lists shall consist of the following types:

A. Departmental Reemployment Eligible List: The departmental reemployment eligible list for each classification shall consist of the names of employees and former employees having probationary or permanent status, and who were laid off or whose positions were reallocated downward as a result of reclassification. The rank order on such lists shall be determined by relative seniority. Such lists shall take precedence over all other eligible lists in making certifications to the department in which the employee worked.

B. General Reemployment Eligible List: The general reemployment eligible list for each classification shall consist of the names of employees and former employees having probationary or permanent status and who were laid off or whose positions were reallocated downward as a result of reclassification. The rank order on such lists shall be determined by relative seniority. Such lists shall take precedence

ELIGIBLE LISTS

over all other eligible lists, except departmental reemployment eligible lists, in making certification on a County-wide basis.

C. Promotional Eligible Lists: The names of applicants successful in promotional examinations shall be placed on promotional eligible lists for the classifications examined and such lists shall take precedence over all other lists, other than those described in paragraphs A and B, Section 1 above, in making certifications to the department where the applicant is employed.

D. General Eligible Lists: The names of applicants successful in open examinations, as well as persons complying with the provisions of Section 7 of this rule, shall be placed on general eligible lists for the classification examined and such lists shall be used after those lists described in paragraphs A, B, C, and E of Section 5 have been exhausted in making certifications on a County-wide basis.

E. Preferred Limited Term Eligible Lists: The Director may establish preferred limited term eligible lists for extra help or seasonal positions composed of the names of employees who have previously served satisfactorily in departments and have been recommended by a department head for inclusion on such a list. Names shall be placed on such lists in the order of scores derived from performance evaluations, as determined by the Director, and which shall be revised annually. If the work of such an employee is rated by a department head as unsatisfactory that employee shall not be eligible for certification to that department. No person shall be certified from a preferred limited term eligible list to a permanent position or acquire permanent status as a result of certification and appointment from such list.

SECTION 6. ALTERNATE ELIGIBLE LISTS: Whenever there is no eligible list for a classification, or whenever it is in the best interest of the County, the Director may certify names to vacancies from the eligible lists for related classes provided that the required qualifications of the related classes are at least equivalent to those of the class in which the vacancy exists. The names of the persons thus certified shall remain on the eligible lists on which their names were originally placed.

ELIGIBLE LISTS

SECTION 7. INACTIVE ELIGIBLE LIST AND REPLACEMENT OF NAMES ON ELIGIBLE LISTS:

A. A person whose name is on an eligible list may request in writing that his name be placed on the inactive eligible list, after which time the Director will not certify that name to vacancies. Such person may have his name replaced on the active eligible list by making request at any time before the list expires. The total period of time that such person's name is on both the active and inactive eligible list may not exceed 12 months, unless the eligible list for that classification is extended for an additional 12 months by the Commission.

B. A probationary or permanent employee who has resigned in good standing may, within six months following the effective date of resignation, request that the Director replace his name on the general eligible list for the same classification in which he was employed at the time of resignation. The Director will review the records of the employee's performance and if, in the Director's opinion, such action is warranted the former employee's name may be placed on the general eligible list for that class for a period of one year in rank order of his total score on the original examination.

C. An employee who has accepted a voluntary demotion shall have the same rights as a resigned employee to have his name replaced on the appropriate eligible list.

D. In addition to placing the name of an employee laid off on the reemployment eligible list for the classification in which laid off, the Director may place such employee's name on the general eligible list of any classification for which, in the Director's opinion, the employee is qualified. Such person's name shall be placed on the general eligible list above the names of persons who have not been laid off. Whenever a general employment list contains sufficient names the Director will certify three names from such list to fill a vacancy, rather than only one name as in the case of a reemployment eligible list. If the names of two or more persons laid off are placed on the same general eligible list the names shall be ranked in order of relative seniority at the time of certification.

SECTION 8. PART TIME POSITIONS WHICH BECOME FULL TIME: When the work load increases so that a part time position becomes full time the Director may, upon request by the department head concerned, place the name of the incumbent on the full time eligible list in rank order of the incumbent's score on the original examination.

SECTION 9. RESTORATION OF NAME OF REJECTED PROBATIONER TO ELIGIBLE LIST: The Director may, upon request by an employee rejected during his probationary period, restore that employee's name to the eligible list for that classification. However, the employee's name shall not be certified to the department from which rejected without approval of the department head.

SUMMARY OF PRINCIPAL CHANGES

RULE IX

REQUISITION AND CERTIFICATION

1. Makes removal of names from reemployment eligible lists for failure to respond or for waiver discretionary with Director, rather than mandatory.
2. When eligible list contains less than three names permits Director to use such eligible list, use an alternate list, or to conduct a new examination. Director is authorized to approve provisional appointments, whereas Commission approval was formerly required.
3. Clarifies procedure when no eligible list exists.

RULE IX

REQUISITION AND CERTIFICATION

SECTION 1. REQUISITION OR REQUEST FOR PERSONNEL: Whenever a vacancy in the classified service is to be filled, other than by transfer or demotion, the appointing authority will notify the Director as far in advance as possible and request certification on a form prescribed by the Director. In cases where selective certification based on a bona fide occupational qualification is desired the request for personnel will include complete justification. Following receipt of a request for personnel the Director will determine which eligible list is to be used.

SECTION 2. PRIORITY OF ELIGIBLE LISTS: Eligible lists shall be certified to fill permanent vacancies in the following order:

- A. Departmental Reemployment Eligible List
- B. General Reemployment Eligible List
- C. Promotional Eligible List
- D. General Eligible List

SECTION 3. CERTIFICATION FROM REEMPLOYMENT ELIGIBLE LISTS: If a reemployment eligible list is used the Director will certify the name of the person who is highest on the list and available for employment. This person shall be appointed if the position is to be filled. The Director may remove from a reemployment eligible list the name of any person who waives employment after certification.

SECTION 4. CERTIFICATION FROM OTHER ELIGIBLE LISTS: If a list other than a reemployment eligible list is to be used the Director shall certify in rank order two more names than there are vacancies in the classification requested. The Director may, upon request by a department head, certify from the promotional eligible list the names of employees in that department before certifying the names of other employees on the promotional eligible list.

SECTION 5. PROCEDURE WHEN ELIGIBLE LIST CONTAINS LESS THAN THREE NAMES:

- A. When an eligible list, other than a reemployment eligible list, contains less than three names the Director shall certify the remaining name or names to the appointing authority. If the latter does not wish to appoint the person or persons

REQUISITION AND CERTIFICATION

certified the Director may either schedule another examination or use an alternate eligible list. A person or persons whose names appeared on the eligible list for the classification in which the vacancy exists shall be included in the certification, even though an additional name or names are certified from an alternate eligible list. The names of persons placed on the eligible list as a result of a new examination shall be integrated with those names or name, already on the eligible list in rank order of scores.

SECTION 6. NOTIFICATION TO ELIGIBLES AND TIME ALLOWED FOR RESPONSE: The Director will notify applicants whose names have been certified regarding the person or persons in the departments to contact regarding pre-employment interviews. Applicants shall have three working days in which to respond. The Director may remove the name of an applicant from any eligible list who fails to respond within three working days following certification.

SECTION 7. PROCEDURE WHEN NO ELIGIBLE LIST EXISTS: When no eligible list exists, and the Director does not see fit to certify names from an alternate eligible list, the appointing authority may request permission from the Director to make a provisional appointment. If an applicant, or applicants, are available who meet the minimum qualifications for the classification the Director may authorize the appointing authority to appoint provisionally one of such applicants to the position. Following establishment of an eligible list for such classification the Director shall certify names to fill the position with a probationary employee.

SECTION 8. CERTIFICATION TO TEMPORARY, EXTRA HELP, AND SEASONAL POSITION: When appropriate eligible lists exist certifications will be made to temporary, extra help, and seasonal positions in the same manner as permanent positions. When no eligible list exists the procedure described in Section 7 of this rule will govern.

SUMMARY OF PRINCIPAL CHANGES

RULE X

MEDICAL STANDARDS FOR EMPLOYMENT AND PHYSICAL EXAMINATIONS

1. This is a new rule which recognizes the need for a clearly defined set of medical standards for use in selecting applicants for employment. The use of a set of valid, job related medical standards in pre-employment physical examinations will result in appreciable savings to the County and to the retirement system by helping to screen out applicants for employment who are medically high risks.
2. The rule also provides authority for medical re-examinations of employees in designated classifications which involve high physical demands of a continuing nature. Also, the rule reiterates the authority contained in the present rules for the County to order special medical examinations where an employee appears to have a physical disability which affects his work.

RULE X

MEDICAL STANDARDS FOR EMPLOYMENT AND PHYSICAL EXAMINATIONS

SECTION 1. AUTHORITY: The Commission shall prescribe medical standards for employment based on job requirements. The Personnel Director shall establish administrative procedures for conducting pre-employment physical examinations, periodic re-examinations, and special examinations at County expense.

SECTION 2. PURPOSE: The purpose of this rule is:

(1) To ensure that each employee is physically able to perform the duties of his position without undue hazard to himself or others.

(2) To select employees who can be expected to remain in good health for a reasonable period of service.

(3) To prevent undue liability to the County under California Workmen's Compensation laws.

SUMMARY OF PRINCIPAL CHANGESRULE XIAPPOINTMENT, PROBATION, PROMOTION, DEMOTION AND TRANSFER

1. Requires appointing authority to interview all applicants who respond to certification before making a selection to fill a vacancy. Requires appointing authority to notify all persons interviewed regarding results of interview.
2. More clearly defines the kinds of appointments and their applications to circumstances, such as demotions and appointment from a reemployment eligible list.
3. Incorporates the former rules on promotion and demotion into this single rule.
4. Provides that a rejected probationer does not have the right of hearing by or appeal to the Commission.
5. Gives Director authority to approve any demotion, subject to appeal to the Commission as provided in the rule on appeals.
6. Removes the provision for appointments in a contingent status in the Municipal Courts as a result of Court Order and pending legislative approval. This provision was needed when the legislature met bi-annually. Now that the legislature is in session every year this provision is no longer needed.
7. Specifically confirms present unwritten practice that permanent County employees accepting a temporary promotion shall not suffer any loss of employee benefits; also, that extra help employees are not entitled to employee benefits, other than pay as determined by the Board of Supervisors.
8. Removes the 15 day limit on emergency appointments and requirement that the appointing authority request certification thereafter. In event of emergency there could be a valid requirement for an appointment longer than 15 days. Requiring that a department head request certification after 15 days might impose an administrative burden on the department at a time when the department were least able to perform such functions. The controls included in the revised rule are adequate to prevent abuse of the flexibility proposed to be given to department heads.
9. The revised rule gives the Director authority to approve appointments at any step in the salary range of a job classification, as well as authority to approve special merit salary increases. These actions formerly required Commission approval. The reasons for this recommended change are stated in Section I, paragraph D, subparagraph 2. These administrative actions are based on management decisions. The bases for these decisions are circumstances concerning the departments, the actual or anticipated performance of the employees, and the background of the employees. Management has first hand knowledge of all of these factors and should make the decisions involved. The Director, in approving such requests, can insure uniformity and consistency in the application of policy. The department head may appeal to the Commission in event of disagreement with the Director.

RULE XI

APPOINTMENT, PROBATION, PROMOTION, DEMOTION AND TRANSFER

SECTION 1. GENERAL: Vacancies in the classified service may be filled by permanent, probationary, provisional, or temporary appointments, as well as by transfer, promotion, or demotion. All of these personnel transactions shall be reported promptly to the Director on forms designated by him.

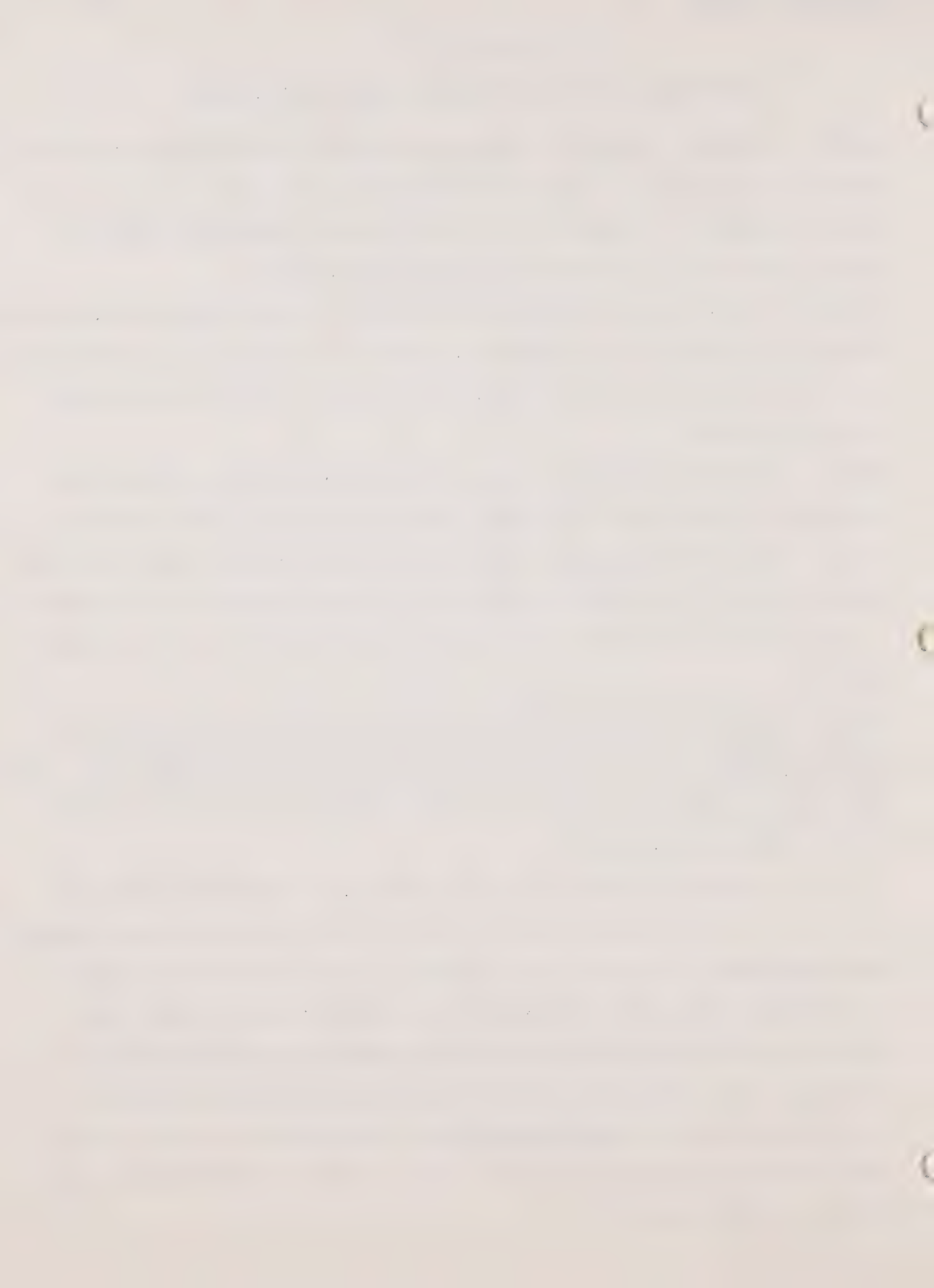
SECTION 2. APPOINTMENT AND NOTIFICATION OF APPLICANTS: Prior to making an appointment the appointing authority will interview each applicant who responds to a certification. After making his selection the appointing authority will notify of this fact each applicant interviewed.

SECTION 3. PERMANENT APPOINTMENT: Employees who have successfully completed the probationary periods designated for their classifications shall be given permanent status. Former permanent employees appointed from a reemployment eligible list shall be given permanent appointments when reemployed. Permanent employees who are demoted to lower classifications shall be given permanent appointments in the lower classifications.

SECTION 4. PROBATIONARY APPOINTMENT: All appointments from certifications to fill permanent vacancies shall be probationary appointments, except for demotions of permanent employees, transfers, or appointments from reemployment eligible lists. Former probationary employees whose names were placed on a reemployment eligible list before they achieved permanent status shall start a new probationary period when appointed from a reemployment eligible list.

SECTION 5. PROBATIONARY PERIODS:

A. The probationary period is the final phase of the examination process. It shall be used by the appointing authority for the effective adjustment of new employees through supervision, counselling, and evaluation, as well as for the elimination of any probationary employees who do not meet the required standards of work. The appointing authority may terminate a probationary employee at any time during the probationary period without the right of hearing by or appeal to the Commission. In case of rejection during probationary periods, employees shall be given written notice, with reasons therefore, at once. A copy of such notice will be sent to the Director at the same time.



APPOINTMENT, PROBATION, PROMOTION, DEMOTION AND TRANSFER

B. Probationary employees shall undergo a probationary period of six months, unless a longer period, not to exceed one year, is prescribed by the Commission. Probationary employees who transfer to another department in a position in the same classification shall start a new probationary period.

C. Time worked by an employee in a temporary, extra help, or provisional status shall not count towards completion of the probationary period. The probationary period shall start from the date of probationary appointment. Probationary employees in permanent part time positions shall be credited with that proportion of full time employment which they work in a probationary status.

D. If an employee successfully completes his probationary period the appointing authority shall promptly submit a report of this on prescribed forms to the Director. An employee who is not rejected prior to the completion of the prescribed probationary period shall acquire permanent status automatically.

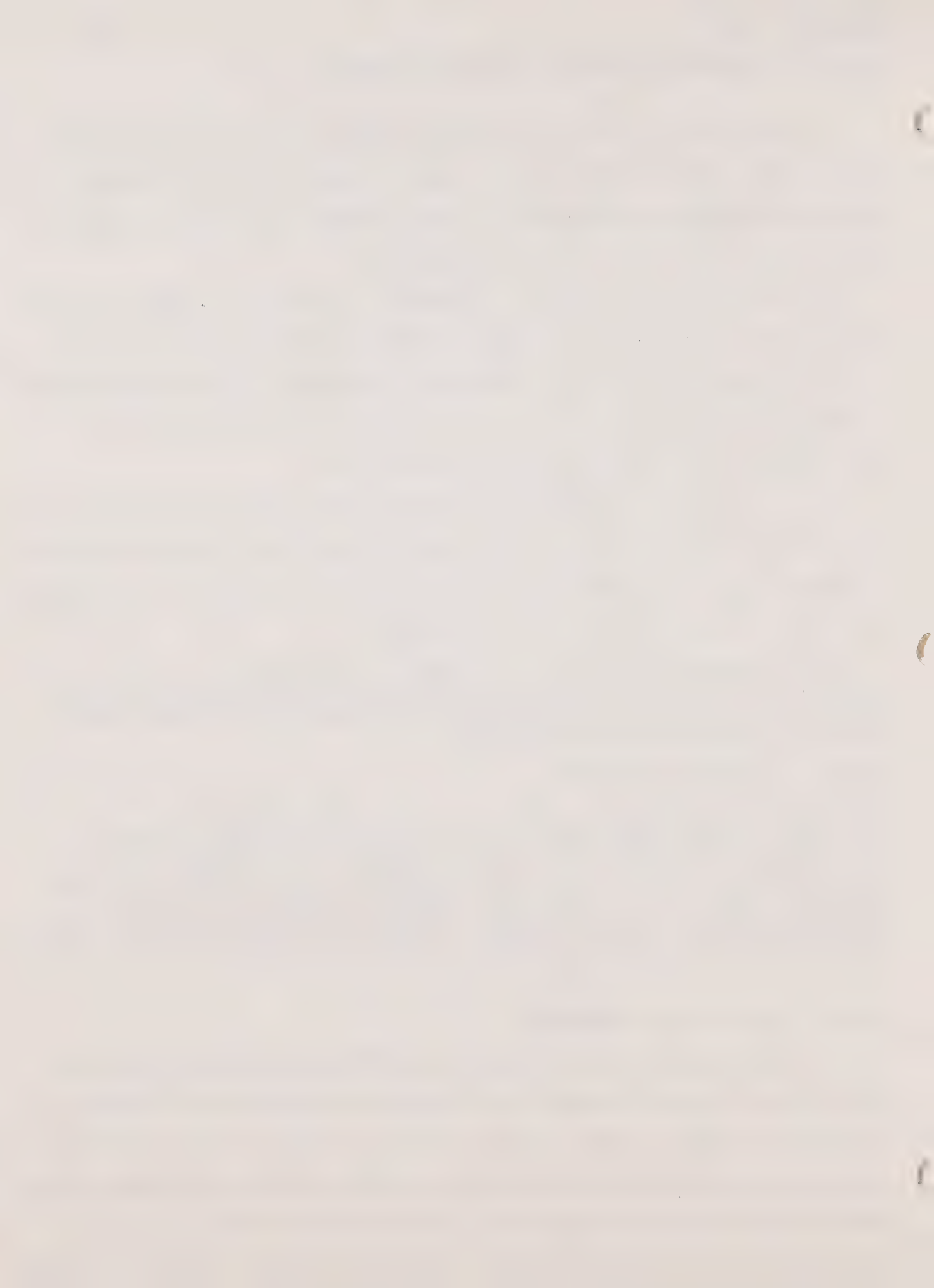
E. An employee who is laid off and subsequently appointed as a result of certification from a general employment eligible list to a position in a different classification than that from which laid off shall undergo the probationary period prescribed for the class to which appointed.

SECTION 6. TEMPORARY APPOINTMENT:

With approval of the Director, a person may be appointed temporarily to fill a regularly established, permanent position during the temporary absence of the incumbent. If the person appointed is a permanent County employee he shall retain the right to return to his permanent position when the employee who has been temporarily absent returns. Probationary employees may not receive temporary appointments. Permanent county employees who accept a temporary appointment shall not suffer any loss of employee benefits. No person shall achieve permanent status as a result of certification or appointment to a temporary position.

SECTION 7. PROVISIONAL APPOINTMENTS:

A. When no eligible list exists for a classification the Director may either certify from an alternate eligible list or authorize a department head to make a provisional appointment to fill a vacant permanent position. The person appointed must meet the minimum qualifications for the classification and be otherwise eligible. After an eligible list is established for that classification the Director will certify names to fill the position with a probationary employee. If the provisional



APPOINTMENT, PROBATION, PROMOTION, DEMOTION AND TRANSFER

employee does not receive a probationary appointment he must vacate the position within thirty days following certification. In no case may a provisional employee occupy a permanent position for more than six months.

SECTION 8. EXTRA HELP AND SEASONAL APPOINTMENT:

A. Positions needed because of temporary, seasonal requirements, or other unusual work conditions may be filled by extra help or seasonal appointments. These two terms may be used interchangeably for the purpose of these rules.

B. Extra help employees have no tenure and may be terminated at any time without right of appeal or review by the Commission. Under no circumstances may a person work in an extra help or preferred limited term position for more than 1040 hours in any one year.

C. Extra help employees are not entitled to employee benefits other than pay for time worked, as prescribed by the Board of Supervisors.

D. No person shall achieve permanent status as a result of certification or appointment to an extra help or seasonal position.

SECTION 9. EMERGENCY APPOINTMENT: In event that a certification procedure prescribed in the Civil Service Commission Rules would, in an emergency situation, delay or impair efficiency of County government operations, or might cause stoppage of public business, or in order to meet any emergency, the appointing authority may make emergency appointments for the duration of the emergency and for a time thereafter sufficient to permit an orderly return to the normal conduct of public business. When such emergency appointments are made the appointing authority shall immediately notify the Director, naming the appointees, dates of appointment, classifications in which hired, duties of the positions to which appointed, and the nature of the emergency.

SECTION 10. APPOINTMENTS AT AN ADVANCED STEP IN THE SALARY RANGE AND SPECIAL MERIT SALARY INCREASES:

The Director may approve appointments at any step in the salary range for a job classification. The Director may also approve special merit salary increases. Both of these actions will be based on special written justifications submitted to the Director by the department head concerned.

SECTION 11. PROMOTIONS:

A. Permanent employees who are promoted to a higher classification shall undergo the probationary period prescribed for the higher classification, but shall have the right to demote to their former classification if rejected during their probationary period, except as provided in paragraph B of this section.

APPOINTMENT, PROBATION, PROMOTION, DEMOTION AND TRANSFER

B. Where alternate staffing between trainee and journeyman level classifications is permitted trainees may be promoted to journeyman level classifications without examination or certification from an eligible list, provided that the department head submits to the Director a written statement that the trainee has successfully completed all specified training, meets all job performance standards, and satisfies all other requirements of the journeyman level classification. Trainees who are promoted to journeyman level classifications shall not have the right to revert to their former trainee classifications if rejected during the probationary period.

SECTION 12. DEMOTIONS:

A. Demotions may be ordered as part of a reorganization or reduction in force, at the request of the employee, or for cause. A permanent employee may appeal to the Commission for a hearing on any demotion affecting him. Demotions may be made only upon the recommendation of the department head and approval of the Director. The procedures for appeals and hearings are provided for in Rule XIV.

B. An employee requesting a demotion to a lower classification must meet the minimum qualifications for the lower classification. A permanent employee who requests and is granted a demotion to a lower classification may, with the Director's approval, have his name placed on the general eligible list in rank order of his original score on the examination for the classification from which demoted.

SECTION 13. TRANSFERS:

A. The Director may approve a voluntary interdepartmental transfer of an employee in the same classification without examination or certification.

The employee being transferred must initiate the request and secure the approval of the department head of the department into which the transfer is to be made. The approval of the department head of the department from which the transfer is made is not required. However, the Director will attempt to insure that the effective date of the transfer is arranged so that operation of the departments are not adversely affected.

B. The Director may approve without examination or certification involuntary interdepartmental or intradepartmental transfers of employees in the same classifications because of reorganizations, changes in work load, or otherwise when in the best interests of the County. Employees affected shall be given reasonable advance notice by their department heads.

C. Permanent employees who transfer to another position in the same classification shall not be required to undergo a new probationary period in the position into which transferred.

D. The Director may approve transfers among comparable classifications with or without examinations, depending on the circumstances.

SUMMARY OF PRINCIPAL CHANGES

RULE XII

EMPLOYEE PERFORMANCE EVALUATION

1. Provides that the Director shall establish an employee performance evaluation system. Defines objectives of the system.
2. Authorized Director to apply the system to employees other than probationary and permanent.
3. Removes former restrictions on actions Commission may take on appeals of performance evaluations.

RULE XII

EMPLOYEE PERFORMANCE EVALUATION

SECTION 1. PROVISION OF JOB PERFORMANCE EVALUATION SYSTEM: The Director shall establish a system for measuring, reporting, and recording the job performance of County employees. The objectives of this system will include, but not be limited to, assisting supervisors and their employees in measuring progress towards goals, employee development, and recording for possible future use information needed for personnel decisions affecting employees who are evaluated. This system shall apply to all probationary and permanent employees, as well as other employees designated by the Director.

SECTION 2. UTILIZATION OF JOB PERFORMANCE EVALUATION: The Director shall determine the use and significance, if any, of job performance evaluations in determinations regarding examinations, salary increases or decreases, promotions, demotions, transfers, dismissals, suspensions, and order of lay-offs.

SECTION 3. REVIEW OF EVALUATIONS WITH EMPLOYEES: Supervisors preparing job performance evaluations shall discuss with employees their evaluations. Employees shall have access to their evaluations on file in their departments and in the office of the Commission.

SECTION 4. APPEALS BY EMPLOYEES OF EVALUATIONS: Permanent employees may appeal to the Commission for a review of performance evaluations which are below a standard score or rating set by the Director. Upon receipt of the appeal the Commission will review the facts and order taken such action as it deems appropriate.

SUMMARY OF PRINCIPAL CHANGESRULE XIIIDISMISSAL, SUSPENSION, OR DEMOTION FOR CAUSE

1. All procedural matters concerning hearings have been removed from this rule and placed in a separate rule.
2. Specifies how notice may be given to employee.
3. No longer requires Director to give second notice of disciplinary action to employee. (Director advises employee that the charges have been filed.)
4. Sets out in greater detail causes for disciplinary action.
5. Removes the section providing for filing of charges against County employees by citizens. This provision has been rarely, if ever, used. Furthermore, it is redundant because citizens who have had complaints against employees have shown no hesitancy to communicate with the Board of Supervisors, the County Manager, the appropriate department head, the Civil Service Commission or, in some cases, all four of these offices simultaneously. In any case, ultimately the department head investigates and either takes or recommends appropriate action. By removing this section, no citizen will be deprived of any means of redress.
6. Provides that if employee is believed to be physically or mentally incapacitated for work, appointing authority may require employee to undergo an examination by a physician or psychiatrist of County's choice at County expense.

RULE XIII

DISMISSAL, SUSPENSION, OR DEMOTION FOR CAUSE

SECTION 1. AUTHORITY TO DISMISS, SUSPEND, OR DEMOTE: The appointing authority may dismiss, suspend for not more than 30 days, or demote any employee in the classified service provided the rules and regulations of the Commission are followed, and provided further that any permanent employee shall have the right to appeal such an action to the Commission in accordance with the provisions of Rule XIV.

SECTION 2. NOTICE: A permanent employee shall be given not less than five days' notice, unless a shorter period of notice is approved by the Director, in advance of the date when any of the actions against an employee described in Section 1 is to be effective. The notice shall set forth the grounds for the disciplinary action in sufficient detail to permit the employee to understand them and to respond to them. The appointing authority shall give this notice in writing to the employee either by personal delivery or by being sent by registered mail to the employee at the mailing address of the employee last known to the appointing authority. Notice by mail shall be deemed given as of the time it is deposited in the United States mail.

SECTION 3. FILING CHARGES: Immediately after giving notice to the employee the appointing authority shall send a copy of the notice of the action to the Director. The Director shall thereupon inform the employee, either in person or by mail, that the charges have been filed and shall give or send to the employee a copy of the Rule concerning hearings. The Director shall file the charges by placing them on the agenda for the next regular meeting of the Commission.

SECTION 4. CAUSES FOR DISMISSAL, SUSPENSION, OR DEMOTION: A permanent classified employee may be dismissed, suspended, or demoted for cause only. The following, among others, are causes which, if shown to the satisfaction of the Commission, are sufficient for such action:

DISMISSAL, SUSPENSION, OR DEMOTION FOR CAUSE

(a) That the employee has been absent without leave, or has failed to report to work after a leave of absence has expired, or after such leave of absence has been disapproved or revoked.

(b) That the employee has been convicted of a criminal offense. The word convicted shall be construed as a termination of criminal proceedings adverse to the employee upon a verdict, by plea of guilty, upon a judgment against the employee, upon a demurrer, upon a plea of nolo contendere, or upon a judgment of a court after a jury trial was waived, without regard to subsequent disposition of the case by suspension of sentence, probation, or otherwise.

(c) That the employee has committed an act involving moral turpitude. Moral turpitude, for the purposes of these rules, shall mean any act of baseness, vileness or depravity; or any act contrary to commonly accepted standards of justice, honesty, modesty or good morals; or any act done with deception or through corrupt motives.

(d) That the employee has been charged with having committed a criminal act and such charges are pending against him in a court of competent jurisdiction.

(e) That the employee has failed to pay just debts or has failed to make reasonable provisions for future payments of just debts, thereby causing annoyance to the County of San Mateo, or causing scandal because of such conduct.

(f) That the employee has some permanent or chronic physical or mental disability which incapacitates him for the proper performance of his duties.

(g) That the employee has made improper use of his sick leave privileges.

(h) That the employee is incompetent. Incompetent for the purposes of this rule is want of ability suitable to the work, either as regards natural qualities or experience or deficiency of disposition to use one's ability and experience properly.

(i) That the employee, through negligence or wilful misconduct, has caused damage to public property or waste of public supplies.

(j) That the employee is, or was at the time of employment, subject to any of the disqualifications described in Rule VI, Section 3, and has wilfully concealed or misrepresented such facts in his application for employment.

DISMISSAL, SUSPENSION, OR DEMOTION FOR CAUSE

(k) That the employee has been insubordinate. As used in these rules, insubordinate means that the employee, having then the ability to do a reasonable act which he is directed to do by any officer or employee of the County with authority to direct his activities on the job, wilfully fails or neglects to perform the directed act.

(l) Disrespectful or discourteous conduct toward a County officer or official, another employee, or a member of the public.

(m) That the employee has wilfully violated any of the provisions of the County Charter, the County Ordinance Code, or of these rules, relating to the conduct of County officers and employees.

SECTION 5. FAILURE TO COOPERATE IN MEDICAL EXAMINATION: At any time that the appointing authority has sufficient cause to believe that any employee over whom he exercises official authority is, or may be, permanently or chronically incapacitated for the proper performance of his duties as a result of physical or mental disability, the appointing authority, with approval of the Director, may order the employee to submit to a physical or psychiatric examination by a physician or psychiatrist licensed to practice by the State of California. The cost of such examination shall be borne by the County. If the employee is ordered to undergo such an examination, the appointing authority shall select the examining physician or psychiatrist and arrange for the time and place of examination. The employee will sign all necessary authorizations and waivers permitting the appointing authority to be fully informed by the physician or psychiatrist of the result of the examination. If the employee fails to submit to the examination, or fails to appear at the designated time and place for examination, or fails to sign the authorizations and waivers permitting the appointing authority to be informed of the results of the examination, he may be disciplined for insubordination as provided herein.

SUMMARY OF PRINCIPAL CHANGES

RULE XIV

CIVIL SERVICE COMMISSION HEARINGS

1. This is a new rule which is based on experience gained during many years of Commission hearings. The present rules contain some statements on hearangs. However, this information is divided among several rules, is vague, and is incomplete. Definitive guidance is needed on this subject by the Commission, departments, employee organizations, and individual employees.
2. Provides clearly that disciplinary actions which are appealed shall be accorded an evidentiary hearing, but makes discretionary the type of hearing to be afforded on other appeals.
3. Sets specific time limits for the filing of appeals.
4. Provides that an employee suspended for five days or less is not automatically entitled to an evidentiary hearing upon appeal.
5. Provides that the Civil Service Commission may appoint one or more of its members to act as a Hearing Board.
6. Establishes procedural guidelines for the conduct of hearings.

1st Draft - 7-10-73RULE XIVCIVIL SERVICE COMMISSION HEARINGS

SECTION 1. RIGHT TO A HEARING.

A. Any person who is entitled to a hearing before the Commission under the provisions of the Charter or these rules, or who is adversely affected by any action or decision of the Director may petition for a hearing before the Commission.

B. At the discretion of the Commission, in cases other than dismissal, demotion or suspension in excess of five days, a decision on the petition may be made after a review of written materials submitted to the Commission by all parties concerned.

SECTION 2. PETITION FOR HEARING:

A. A petition for hearing shall be in writing, signed by the petitioner, state petitioner's mailing address, state the ruling or action being appealed, and shall state, in detail, the facts and the reasons upon which the petitioner is basing his case.

B. A hearing on the merits of the appeal may be denied if the petition fails to state specific facts or reasons which, if true, would entitle the petitioner to relief. In cases of dismissal, demotion, or suspension in excess of five days, a general denial of the allegations made by the appointing authority in the notice of such dismissal, demotion or suspension in excess of five days shall constitute an adequate statement by the petitioner of the required facts and reasons.

SECTION 3. TIME WITHIN WHICH PETITION MUST BE FILED:

A. Unless otherwise provided in these rules, a petition must be filed within the following time limits:

(1) Within fourteen days after notice to the employee of such disciplinary action in an appeal from a dismissal, demotion or suspension in excess of five days.

(2) Within ten days after notice is given to the employee of any ruling by the Director which is being appealed and, if no such notice was given

CIVIL SERVICE COMMISSION HEARINGS

to the employee, within thirty days after the date upon which the ruling was made.

(3) In all other matters, not later than ten days after the ruling or order complained of was given.

B. The Commission may extend the time within which a petition must be filed, or may grant a hearing when a petition has not been filed within the stated time, where good cause for the delay is shown, and it is shown that other parties are not likely to suffer substantial hardship if permission is given.

SECTION 4. HEARING BOARD. At its first regular meeting after receiving a petition which complies with the foregoing rule, and provided that at least three days shall have elapsed, the Commission shall determine whether the matter will be heard at a meeting of the Commission called for that purpose, or whether it will be heard by a hearing board composed of one or more members of the Commission, and shall set the matter for hearing.

SECTION 5. CONTINUANCE PENDING TERMINATION OF CRIMINAL PROCEEDINGS: Where the employee is appealing from a ruling or order which resulted from alleged criminal activities of the employee, and criminal charges are pending against the employee in a court of competent jurisdiction because of such activities, the Commission may suspend all proceedings on the appeal until the termination of such criminal proceedings in the trial court. In the event of such suspension of proceedings, the Commission, at its first regular meeting after the termination of such criminal proceedings in the trial court, shall determine whether the matter will be heard at a meeting of the Commission called for that purpose, or whether it will be heard by a hearing board composed of one or more members of the Commission, and shall set the matter for hearing.

SECTION 6. NOTICE OF HEARING: The petitioner shall be given not less than five days notice in writing of the date and place of such hearing. In hearings in which an action of a department head is at issue, the department head shall be given not

CIVIL SERVICE COMMISSION HEARINGS

less than five days notice in writing of the date and place of such hearing.

SECTION 7. PARTIES TO BE READY: On the date set for the hearing, the parties involved will be expected to be ready to proceed at the hour set, and any failure to be prepared to proceed at that time may be deemed by the Commission to be an admission by the unprepared party that that party's case is not meritorious, and that a decision should be rendered against that party.

SECTION 8. RIGHTS OF PETITIONER. When a hearing is granted, the petitioner shall be entitled to:

- (a) Be represented by counsel or by a representative of his choice.
- (b) Testify under oath or affirmation.
- (c) Subpoena witnesses in his behalf.
- (d) Cross-examine all witnesses appearing against him.
- (e) Cross-examine any County employee whose actions are in question or who have investigated any of the matters involved in the case and whose reports are offered in evidence before the Commission or Hearing Board.
- (f) Impeach any witness before the Commission or Hearing Board.
- (g) Present such affidavits, exhibits, and other evidence as the Commission or Hearing Board deems pertinent to the matter then before it, subject to the authority of the Commission or Hearing Board to exclude irrelevant or repetitious evidence.

SECTION 9. RIGHTS OF THE APPOINTING POWER AND OTHERS: The appointing authority, the Director or other members of the Commission staff, and any other person whom the Commission or Hearing Board finds to be interested in the matter shall be entitled to the same rights, and be subject to the same limitations, applicable to the petitioner.

SECTION 10. APPEARANCE OF PETITIONER: The appearance of the petitioner shall be required at all hearings except as provided herein.

- (a) The appearance of the petitioner shall not be required where the Commission has determined, pursuant to Section 1, that a decision on the matter

CIVIL SERVICE COMMISSION HEARINGS

raised by the petitioner shall be made after a review of written materials submitted by all parties concerned, or where these rules provide that the Commission shall make a decision in such a manner.

(b) The Commission or Hearing Board shall have discretion to consent to the absence of the petitioner upon a showing of good cause.

SECTION 11. UNEXCUSED ABSENCE OF PETITIONER: Unexcused absence of the petitioner at a hearing where his presence is required may be deemed by the Commission or the Hearing Board to be a withdrawal of the petition and consent to the action or ruling from which the appeal was taken.

SECTION 12. ASSISTANCE OF COUNSEL: The Commission or the Hearing Board shall be entitled to have the legal advice and assistance of the District Attorney or his representative, or, with the consent of the District Attorney, the Commission or the Hearing Board may retain other counsel to advise and assist during the hearing. Any attorney advising and assisting the Commission or Hearing Board as provided herein may, if required to do so by the Commission or Hearing Board, be present during the deliberations of the Commission or Hearing Board following the presentation of all evidence.

SECTION 13. EVIDENCE: Hearings shall be informal, and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be admitted for any purpose, but shall not be sufficient, in itself, to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant or repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

CIVIL SERVICE COMMISSION HEARINGS

SECTION 14. SUBPOENAS: The Director or the Chairman of the Commission shall sign subpoenas and subpoenas duces tecum for the appointing authority upon the request of that authority. The Director or the Chairman of the Commission shall also sign such subpoenas for the petitioner, upon written request of the petitioner or his attorney.

SECTION 15. EXCLUSION OF WITNESSES: The Commission or the Hearing Board may exclude witnesses not under examination, except the Director, the legal adviser to the Commission or Hearing Board, the petitioner, the petitioner's attorney, the appointing authority, and counsel for the appointing authority.

SECTION 16. TESTIMONY OF PETITIONER: At hearings on dismissal, demotion, or suspension in excess of five days, the petitioner shall not be required to testify, but may be cross-examined as to any matter relevant to the hearing if he takes the stand voluntarily. In any other type of hearing the petitioner, if he does not testify in his own behalf, may be called by the Commission or Hearing Board and examined as if under cross-examination.

SECTION 17. BURDEN OF PROOF: In any hearing on an appeal from a dismissal, demotion, or suspension in excess of five days, the burden of proof shall be on the appointing authority. In all other types of hearings, the burden of proof shall be on the petitioner.

SECTION 18. FINDINGS AND DECISION:

A. In a hearing before a Hearing Board, the Hearing Board shall submit a written report to the Commission which shall include findings of fact and a proposed decision. The Commission may adopt the Hearing Board's findings, or it may make findings of its own. After reviewing the report of the Hearing Board, and making a determination of findings, the Commission shall render a decision.

B. In a hearing before the Commission, after all evidence has been presented and arguments concluded the Commission will adjourn its meeting to a stated time for

CIVIL SERVICE COMMISSION HEARINGS

the purpose of considering the matter and will, when its deliberations are concluded, make written findings of fact and render a decision. This decision shall either uphold, modify, or set aside the action taken and appealed from. If the action taken is upheld, it shall be final as of the date it was taken. If the action is set aside the employee will be entitled to have restored any rights or benefits which have been denied as a result of the action appealed from. If the action taken is modified the Commission shall issue such orders as are necessary to carry out the decision of the Commission.

C. Within five days after the Commission has rendered its decision, the Director shall mail a copy of the findings and decision to the petitioner and the appointing authority. If either the petitioner or the appointing authority was represented by counsel, mailing a copy of the findings and decision to that counsel will constitute compliance with this provision.

D. The Commission's decision shall be final when rendered.

SECTION 19. REPORT OF HEARINGS: Hearings on dismissals, demotions, or suspensions in excess of five days, shall be conducted with a stenographic reporter. The Commission or Hearing Board may order that other hearings be reported by a stenographic reporter, or recorded by electronic means, if it deems such reporting or recording advisable or necessary.

SECTION 20. TRANSCRIPTS OF HEARINGS: Any interested person may obtain a transcript or recording of any hearing which has been reported or recorded by making independent arrangements with the reporter or recorder for the preparation thereof and assuming the cost of such preparation.

SECTION 21. CONTINUANCES: The Commission or Hearing Board may grant a continuance of any hearing upon such terms and conditions as it may deem proper. Any request for a continuance made less than forty-eight hours prior to the time set for the hearing shall be denied unless good cause is shown for the continuance.

CIVIL SERVICE COMMISSION HEARINGS

SECTION 22. AMENDMENT OF CHARGES: At any time before the first witness is sworn the appointing authority, with the consent of the Commission or Hearing Board, may serve on the employee and file with the Commission an amended or supplemental statement of charges. If the amended or supplemental charges present new causes for disciplinary action the employee shall be afforded a reasonable time in which to prepare his defense thereto and to file a further answer.

SUMMARY OF PRINCIPAL CHANGES

RULE XV

RESIGNATION

1. Differentiates between resignation in good standing and not in good standing. Provides that employees must give two weeks written notice of intent to resign. Failure to do this, without approval of the department head, may result in forfeiture of future employment rights, as well as the right to have his name replaced on the eligible list for his classification.
2. Authorizes Director to exclude from examinations and to refuse to replace on eligible lists the names of employees who do not comply with paragraph 1, above, or who resign while charges are pending or while under suspension.

RULE XV

RESIGNATION

SECTION 1. RESIGNATION IN GOOD STANDING:

A. In order to resign in good standing a permanent or probationary employee shall submit a written notice to the appointing authority at least fourteen days in advance, unless the latter agrees to shorter notice. The appointing authority shall forward this notice to the Director for inclusion in the employee's personnel file. Such employee's failure to give the prescribed minimum advance written notice may result in forfeiture of future employment rights, as well as the right to have his name replaced on this eligible list for his classification.

B. Resignation severs all seniority and employment rights, except that of requesting replacement of the former employee's name on an appropriate eligible list, as provided for in Section 7 of Rule VIII.

SECTION 2. RESIGNATION NOT IN GOOD STANDING: The Director may refuse to replace the name of a former permanent or probationary employee upon an eligible list or exclude him from examinations if such employee has resigned while charges are pending against him or while under suspension or has, without the department head's approval, given less than fourteen days notice in advance of resignation.

SUMMARY OF PRINCIPAL CHANGES

RULE XVI

REDUCTION IN FORCE, LAY OFF, AND REEMPLOYMENT

1. Removes requirement for Commission to inform the Board of Supervisors of abolishment of positions by appointing authority. The Commission has no jurisdiction over this subject. Only the Board can create or abolish a position.
2. Removes provision for transferring duties of persons laid off to any other employee, who in the opinion of the Commission, is qualified to perform such duties regardless of specific classification. The legality of this portion of the rule is questionable, except in an emergency. Emergency situations are provided for in the section covering emergency appointments.
3. Removes the section on limitation as to actions, which is redundant.
4. Clearly specifies the order of lay off for non-permanent employee categories, which are: extra help, temporary, provisional, and probationary.
5. Provides that time worked not only in a permanent, but also in a probationary, provisional, or temporary status shall count as County service in determining seniority for the purposes of lay off.
6. Requires the Director and all department heads concerned to make every effort to relocate employees scheduled for lay off in other County jobs.

RULE XVI

REDUCTION IN FORCE, LAY OFF, AND REEMPLOYMENT

SECTION 1. WHEN LAY OFFS MAY BE MADE: Any department head may, with the Board of Supervisors approval, lay off employees because of lack of work, lack of funds, reorganization, or otherwise when in the best interests of the County. The procedures and order of lay offs shall be in accordance with rules of the Commission.

SECTION 2. REPORTS AND NOTICES OF LAY OFF:

A. After the above described decision is made to order a lay off the department head will report promptly to the Director the number of employees in each classification to be laid off, and the effective dates.

B. The department head will give at least fourteen days advance written notice to employees to be laid off, unless a shorter period of time is authorized by the Director.

C. The Director and all department heads concerned will make every effort, through transfers and other means, to relocate in other County jobs employees who are scheduled for lay off.

SECTION 3. PRECEDENCE BY EMPLOYMENT STATUS: No permanent employee shall be laid off while employees working in an extra help, seasonal, temporary, provisional, or probationary status are retained in the same classification as such permanent employee. The order of lay off among employees not having permanent status shall be according to the following categories:

A. Extra Help or Seasonal

B. Temporary -- a temporary employee who is displaced may revert to the classification in which he holds permanent status, if any.

C. Provisional

D. Probationary

SECTION 4. PREPARATION OF LAY OFF LIST:

A. Upon receipt of a notice of intended lay off from a department head the Director will prepare a lay off list which shall govern the order of lay offs.

REDUCTION IN FORCE, LAY OFF, AND REEMPLOYMENT

B. Lay offs shall be by job classification according to reverse order of seniority as determined by total continuous County civil service, except as specified in Section 3. In event that two or more employees have the same seniority, the examination score for their present classifications shall determine seniority. The following provisions shall apply in computing total continuous service:

(1) Time spent on military leave shall count as County service.

(2) Time worked in an extra help or seasonal status shall not count as County service.

(3) Time worked in a permanent, probationary, provisional, or temporary status shall count as County service.

SECTION 5. EMPLOYEE OPTIONS: Employees laid off shall have any of the following choices:

A. Displacing the employee in the same classification having the least seniority and who is assigned to the same department. This option shall be exercised before any other option.

B. Taking a voluntary demotion within the same department to a classification in which the employee had prior permanent status, thus displacing the employee working in that classification within the department who has the least seniority.

C. Either of the two above options may be exercised on a County-wide basis by displacing the employee having the least seniority in County service, except that for the purpose of computing seniority, County service, including military leave, shall be allowed at the rate of two-thirds of the actual time so served.

D. Any employee displaced under above choices shall have available to him the choices B, and C.

SECTION 6. NAMES OF EMPLOYEES LAID OFF TO BE PLACED ON REEMPLOYMENT AND GENERAL ELIGIBLE LISTS: The names of employees laid off shall be placed on reemployment lists as specified in Rule VIII, Section 5. Former employees appointed from a reemployment eligible list shall be restored all rights accrued prior to being laid off, such as sick leave, vacation credits, and credit for years of service. However, such reemployed employees shall not be eligible for benefits for which they received compensation at the time of or subsequent to the date they were laid off.

RULE XVII

DEFINITION OF TERMS

These definitions apply throughout these rules unless otherwise specified.

1. ABSENCE WITHOUT LEAVE: Any period of absence from duty without proper approval.
2. ADMINISTRATIVE REGULATIONS: Directive, rules, procedures, or other instructions issued by the Director to carry out the provisions or intent of the Civil Service Commission Rules.
3. AFFIRMATIVE ACTION: The obligation placed on employers, labor unions, or employment agencies to ensure that applicants are treated without regard to race, color, religion, sex, or national origin. The use of validated tests does not relieve employers, labor unions, or employment agencies of their obligations to take positive action in affording employment and training to members of groups protected by law on account of race, color, religion, sex, or national origin.
4. ALLOCATE: The official determination of the classification to which a position belongs, and the assignment of a position to that classification.
5. ALTERNATE ELIGIBLE LISTS: Eligible lists which may be used interchangeably with one or more other eligible lists because of comparable employment standards and duties.
6. ALTERNATE STAFFING: A series of two or more related classifications treated as a single classification in the salary ordinance, with the appointing authority allowed a choice from any of the listed alternatives in filling a vacancy.
7. ANNOUNCEMENT, RECRUITMENT:)
ANNOUNCEMENT, EXAMINATION:) A bulletin or informational publication issued by the Director to publicize position vacancies in the classified service and normally containing the following information: duties of the classification, minimum qualifications, salary, closing date for filing applications, selection procedures, and such other information as the Director considers appropriate.
8. APPEAL: Review by the Civil Service Commission of a prior action which affected a classified employee's employment status.

9. APPLICANT: A person who, according to these rules, has made formal application for employment on the prescribed form.
10. APPLICATION FORM: The official form designated by the Director for employment application purposes.
11. APPOINTING AUTHORITY OR POWER: A person having the lawful power to make appointments or to remove persons from positions in the County service. Also, see Department Head.
12. APPOINTMENT: The designation of a person by an appointing authority to fill a vacant position, and the acceptance by such person of the position.
13. APPRAISAL OF QUALIFICATIONS BASED ON RECORDS: An evaluation by one or more persons appointed by the Director of the information contained in the application form, resumes, records of past job performance, or other designated criteria without the necessity of a candidate appearing in person for interview.
14. BENEFITS, EMPLOYEE BENEFITS: Any salary, wage, fee, allowance, or emolument paid or made available to an employee for performing the duties of a position.
15. BOARD OF SUPERVISORS: The San Mateo County Board of Supervisors.
16. CANDIDATE: A person who has been admitted to an examination for a position in the classified service.
17. CERTIFICATION: The submission by the Director of names of eligibles from an appropriate eligible list to an appointing authority in accordance with these rules.
18. CHARTER: The Charter of the County of San Mateo, as amended.
19. CLASS, JOB CLASSIFICATION, OR CLASS OF POSITIONS: A position or group of positions sufficiently similar in duties, required qualifications, and related factors so that the same title, schedule of compensation, comparable employment standards and selection criteria can be applied.
20. CLASS SPECIFICATION OR CLASSIFICATION: The official description of a position or group of positions sufficiently similar in duties, required qualifications, and related

DEFINITION OF TERMS

factors so that the same title, schedule of compensation, comparable employment standards and selection criteria can be applied.

21. CLASSIFICATION OR RECLASSIFICATION: When used as verb denotes the judging of the duties of a position, its minimum qualifications, and other factors in order to allocate or reallocate the position to an appropriate group of jobs or positions bearing the same title and having the same compensation schedule.

When used as a noun, see Class Specification.

22. CLASSIFIED SERVICE: All offices, positions and employments in the service of the County and all persons occupying such offices, positions and employment, except those specifically exempted under Section 4 of Article XIV of the Charter of San Mateo County.

23. CLOSING DATE: The last date on which an applicant may apply for a given examination or position.

24. COMMISSION: The San Mateo County Civil Service Commission.

25. CONTINUOUS SERVICE: Uninterrupted employment in the County service, except by authorized absence.

26. COUNTY: The County of San Mateo.

27. DAY: Calendar day, except as otherwise specified.

28. DEMOTION: A change in classification of an employee from a position in one classification to a position in another classification which has a lower salary or salary range, either on a voluntary or involuntary basis.

29. DEPARTMENT: An organized unit or units of County government under one head and which has been so designated by Charter, law, the Board of Supervisors, or the County Manager.

30. DEPARTMENT HEAD: An employee duly appointed to direct the activities of an organized unit or units of County government.

31. DIRECTOR: The Personnel Director and Secretary, San Mateo County Civil Service Commission.

DEFINITION OF TERMS

32. DISCIPLINARY ACTION: Punitive or corrective action taken by an appointing authority against an employee in accordance with these rules.
33. DISCRIMINATION: As applied to examinations means the use of any test which adversely affects hiring, promotion, transfer, or other employment or membership opportunity of classes protected by Title VII of the Civil Rights Act of 1964, as amended, unless: (a) the test has been validated and evidences a high degree of utility, and (b) the person giving the test or acting upon the results of the test can demonstrate that alternative suitable hiring, transfer, or promotion procedures are unavailable for his use.
34. DISMISSAL: The separation of an employee from his position upon order of an appointing authority for a cause stated in these rules, and which severs his status as a classified employee.
35. DIVISION: A major administrative unit within a department.
36. ELIGIBLE LIST: An official list of names of candidates who have successfully passed an examination for a classification, or who have been laid off, and whose names are arranged in order of rank for certification to positions in a specific classification.
37. EMERGENCY APPOINTMENT: An appointment made for a limited time during an emergency situation without certification.
38. EMPLOYEE: A person who is legally occupying a position in the classified service, or who is on authorized leave of absence from such position.
39. EMPLOYER-EMPLOYEE RELATIONS: The relationship between the County and its employees and their employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.
40. EXAMINATION: Any objective, well-defined selection instrument, process or procedure that is formal, scored, or quantified, and used as a basis for any selection decision.
41. EXAMINATION ANNOUNCEMENT: See Announcement, Recruitment or Examination.

DEFINITION OF TERMS

42. EXTRA HELP: Short term employment required because of temporary or emergency needs, or unusual work conditions.
43. FULL TIME POSITION: A position in the classified service in which the employee is required to work the standard work day, work week, or work month prescribed for County employees.
44. GENDER: See Tenses.
45. GENERAL ELIGIBLE LIST: An eligible list containing the names of persons who have passed successfully open examinations. Former permanent or probationary employees who have resigned in good standing and whose requests for replacement on the eligible list have been approved by the Director may also have their names placed on the general eligible list.
46. HEARING: A procedure whereby the Civil Service Commission elicits facts necessary for a determination of an appeal.
47. INACTIVE ELIGIBLE LIST: A list of eligibles whose names have been removed from an active eligible list at their own request, or for other reasons determined by the Director. Such names are not certified to vacancies, but may be restored to the active eligible list upon request by the eligible person, or as determined by the Director.
48. INVOLUNTARY DEMOTION: Assignment of an employee from a position in one classification to a position in a lower classification in the same or a related series of classifications without the employees concurrence of request.
49. JOURNEYMAN OR JOURNEYMAN LEVEL: A job classification level at which the employee is expected to have the necessary experience, training, education, and ability to perform the duties of a given classification, as opposed to the trainee level at which the incumbent is supposed to receive additional training or acquire additional experience before becoming fully qualified.
50. LAY OFF: The termination of an employee without prejudice because of lack of work, lack of funds, reorganization, or other reasons.

DEFINITION OF TERMS

51. LEAVE OF ABSENCE: An authorized absence from duty for a specified period of time and for a specified purpose, with the right to return to the position at the end of the period.
52. MANPOWER UTILIZATION PROGRAMS: Federally or State funded programs to assist at the local level in training and other programs aimed at making better utilization of manpower resources.
53. MERIT SYSTEM: A system of hiring and promoting persons in a classified personnel system based on merit as determined by competitive examinations.
54. MINIMUM REQUIREMENTS OR QUALIFICATIONS: The basic educational, experience, age, physical, licensing, or similar requirements for a classification.
55. NUMBER: See Tenses.
56. OFFICER: A person holding an elective or appointive office in the County government.
57. OPEN EXAMINATION: An examination which may be taken by any person who possesses the minimum qualifications of the classification applied for.
58. ORAL EXAMINATION BOARD: Two or more persons appointed by the Director to interview candidates and to rate them on their qualifications for the classification for which they are applying.
59. ORDINANCE: A rule or provision enacted or ordained by the Board of Supervisors, San Mateo County.
60. PART TIME POSITION: A position in the classified service in which the employee is authorized to work less than the standard work day, work week, or work month prescribed for County employees.
61. PASSING POINT: The minimum passing score in an examination, as determined by the Director.
62. PERMANENT EMPLOYEE: An employee who has permanent status in the classified service.
63. PLEA OF NOLO CONTENDERE: A plea made in admission of guilt in a criminal proceeding, but which may not be used as evidence of culpability in a civil proceeding.
64. POSITION: Duties and responsibilities assigned by an appointing authority to be performed by one employee; an office or job approved by the Board of Supervisors.

65. PREFERRED LIMITED TERM ELIGIBLE LIST: An eligible list used only to fill seasonal or extra help positions and containing the names of persons who have served satisfactorily in departments and who have been recommended by department heads for inclusion on such list.

66. PROBATIONARY STATUS: The status of an employee who has been appointed to a permanent position through certification from an eligible list, but who has not completed the on the job trial period prior to being granted permanent status.

67. PROMOTION: Changing an employee from one classification to another classification having a higher range of compensation.

68. PROMOTIONAL ELIGIBLE LIST: An eligible list composed of the names of permanent and probationary employees who have served at least six months in such status in a satisfactory manner prior to the date of the examination. Persons who have been laid off and whose names are on a reemployment eligible list are also eligible for consideration.

69. PROVISIONAL APPOINTMENT: The conditional appointment of a person who possesses the minimum qualifications of the classification to fill a position for which no appropriate eligible list exists pending an examination and establishment of such eligible list.

70. QUALIFIED: A person who meets the employment standards for a job classification.

71. REALLOCATE: An official determination of the classification to which an existing position belongs, and the reassignment of that position from the classification to which it has been assigned to another classification.

72. REEMPLOYMENT ELIGIBLE LIST: A list of the names of employees and former employees having permanent or probationary status and whose positions were reallocated downward or who were laid off.

73. RECRUITMENT: The act of attracting and inducing persons to apply for employment with the County government.

74. REPRESENTATIVE OF AN EMPLOYEE: An individual or organization designated by an employee to represent him in an appeal, hearing, grievance, or other matter arising out of his employment.

75. REQUEST FOR PERSONNEL: A request on the prescribed form from a department head to the Director for certification from an appropriate eligible list to fill an authorized position in a specific class or in alternate classes.
76. RESIGNATION: The voluntary action of an employee which separates him from his position and severs his status as a classified employee.
77. RULES: The Rules of the San Mateo County Civil Service Commission, as amended.
78. SEASONAL OR EXTRA HELP: Short term employment required because of temporary or emergency needs, or unusual work conditions.
79. SECTION HEADINGS: Section headings of these rules shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section thereof.
80. SELECTION CRITERIA: Any quantifiable information which can be utilized as an indicator of future performance, success, or compatibility on a given job.
81. SENIORITY: The rights which an employee accrues, based on length of continuous employment, to precedence over other employees in event of a lay off, as well as rights to increased vacation, or other employee benefits based on length of continuous employment, which includes credits restored to an employee rehired after lay off.
82. SPECIFICATION: The official description of a class including, but not limited to the title, a statement of the duties and responsibilities, and the employment standards or minimum qualifications, such as education, experience, licensure, abilities, knowledge and other requirements of applicants.
83. SPECIAL MERIT INCREASE: A salary increase within the limits of the pay range established for the class, but granted sooner than the normally prescribed time.
84. STATE: The State of California
85. STATUS: The condition or terms of employment such as permanent, probationary, extra help, and others.
86. STEP: An officially prescribed interval in the salary range prescribed for a job classification.

87. SUBPOENAS DUCES TECUM: An order directing the providing of documentary evidence.
88. SUPERVISOR, SUPERVISORY EMPLOYEE: An employee having authority to exercise independent judgment in the interest of the County to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them or to adjust their grievances, or effectively, to recommend such action if, in connection with the foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.
89. SUSPENSION: An involuntary absence of an employee from his position for a specified period of time without pay imposed by an appointing authority for disciplinary reasons or pending the investigation of charges made against an employee.
90. TEMPORARY EMPLOYMENT: Service in a permanent position which is temporarily vacant because of the temporary absence of the regular employee.
91. TENSES, GENDER, AND NUMBER: As used herein, the present tense includes the past and future tenses, and the future includes the present; shall is mandatory and may is permissive; the masculine gender includes the feminine and neuter; the singular number includes the plural, and the plural includes the singular.
92. TERMINATION: The separation of an employee from his position which severs his status as a classified employee.
93. TITLE OR CLASS TITLE: The official nomenclature given to a class of positions, or to each position allocated to the class, and to the legally appointed incumbent of each position allocated to the class.
94. TRAINEE CLASSIFICATION: A classification in which positions are filled as a result of examination, but for which the minimum qualifications require no prior experience and in which an employee is being trained or gaining experience to perform at the experienced level in that series of classifications.
95. TRANSFER: A change from one position to another in the same classification, or in another classification which the Director designates as equivalent.

96. UNAUTHORIZED ABSENCE: See Absence Without Leave.
97. VACANCY OR VACANT POSITION: Any unfilled position in the classified service.
98. VALIDITY: A property of the whole measuring or testing process, but especially of the test instrument, that insures that the obtained test scores correctly measure the variable they are supposed to measure.
99. VETERAN'S PREFERENCE: An additional credit allowed to veterans who attain a passing score in all phases of an open examination, and who are included in the definition of veteran as defined in these rules.
100. VOLUNTARY DEMOTION: Assignment of an employee, at his request or with his concurrence, to a position in a lower classification in the same or related series of classifications.
101. WAIVER, TO WAIVE: The voluntary relinquishment by an eligible of any right to be considered for appointment to a specific position.
102. WORKMEN'S COMPENSATION: The California law that provides benefits to employees who are injured from accidents or illnesses that arise out of and during the course of their employment.
103. YEAR, MONTH, WEEK: Calendar year, month, week, unless otherwise designated.

APPENDIX B

PRESENT RULES
CIVIL SERVICE COMMISSION

APPENDIX C

PERSONS AND GROUPS SUBMITTING RECOMMENDED CHANGES

1. All Heads of County Departments, including individual persons in such departments.
2. All registered employee organizations were invited to submit written recommendations. The following organization submitted written recommendations:

The Organization of Deputy Sheriffs

APPENDIX D

MEYERS-MILLAS-BROWN ACT

APPENDIX E

EMPLOYER-EMPLOYEE RELATIONS POLICY

SAN MATEO COUNTY

THE UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

U.C. BERKELEY LIBRARIES



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